2016

SESSION LAWS

OF THE

STATE OF WASHINGTON

2016 REGULAR SESSION
SIXTY-FOURTH LEGISLATURE
Convened January 11, 2016. Adjourned March 10, 2016.

2016 SPECIAL SESSION
SIXTY-FOURTH LEGISLATURE
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Code Reviser

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WASHINGTON SESSION LAWS
GENERAL INFORMATION

1. EDITIONS AVALIABLE.

   (a) *General Information.* The session laws are printed in a permanent softbound edition containing the accumulation of all laws adopted in the legislative session. The edition contains a subject index and tables indicating Revised Code of Washington sections affected.

   (b) *Where and how obtained - price.* The permanent session laws may be ordered from the Statute Law Committee, Pritchard Building, P.O. Box 40552, Olympia, Washington 98504-0552. The edition costs $25.00 per set plus applicable state and local sales taxes and $7.00 shipping and handling. All orders must be accompanied by payment.

2. PRINTING STYLE - INDICATION OF NEW OR DELETED MATTER.

   The session laws are presented in the form in which they were enacted by the legislature. This style quickly and graphically portrays the current changes to existing law as follows:

   (a) In amendatory sections

      (i) underlined matter is new matter.

      (ii) deleted matter is ((~~lined out and bracketed between double parentheses~~)).

   (b) Complete new sections are prefaced by the words NEW SECTION.

3. PARTIAL VETOES.

   (a) Vetoed matter is ***printed in bold italics.***

   (b) Pertinent excerpts of the governor's explanation of partial vetoes are printed at the end of the chapter concerned.

4. EDITORIAL CORRECTIONS. Words and clauses inserted in the session laws under the authority of RCW 44.20.060 are enclosed in [brackets].

5. EFFECTIVE DATE OF LAWS.

   (a) The state Constitution provides that unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The Secretary of State has determined the effective date for the Laws of the 2016 regular session is June 9, 2016. The effective date for the Laws of the 2016 special session is June 28, 2016.

   (b) Laws that carry an emergency clause take effect immediately, or as otherwise specified, upon approval by the Governor.

   (c) Laws that prescribe an effective date take effect upon that date.

6. INDEX AND TABLES.

   A cumulative index and tables of all 2016 laws may be found at the back of the final volume.

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CHAPTER 203

[Engrossed Substitute House Bill 2700]

IMPAIRED DRIVING--VARIOUS PROVISIONS

AN ACT Relating to impaired driving; amending RCW 36.28A.320, 46.01.260, 46.64.025, 46.20.291, 46.20.289, 9.94A.533, 46.61.506, 10.01.230, 10.05.140, 46.20.311, 46.20.385, 46.20.720, 46.20.308, 10.21.055, 46.61.5055, 46.20.3101, and 36.28A.390; reenacting and amending RCW 43.79A.040 and 10.31.100; repealing RCW 36.28A.310; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 36.28A.320 and 2015 2nd sp.s. c 3 s 16 are each amended to read as follows:

There is hereby established in the custody of the state ((~~treasury~~)) treasurer the 24/7 sobriety account. The account shall be maintained and administered by the criminal justice training commission to reimburse the state for costs associated with establishing and operating the 24/7 sobriety program and the Washington association of sheriffs and police chiefs for ongoing 24/7 sobriety program administration costs. An appropriation is not required for expenditures and the account is not subject to allotment procedures under chapter 43.88 RCW. Funds in the account may not lapse and must carry forward from biennium to biennium. Interest earned by the account must be retained in the account. The criminal justice training commission may accept for deposit in the account money from donations, gifts, grants, participation fees, and user fees or payments.

Sec. 2. RCW 43.79A.040 and 2013 c 251 s 5 and 2013 c 88 s 1 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

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

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Washington advanced college tuition payment program account, the accessible communities account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship

endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the multiagency permitting team account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

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

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

Sec. 3. RCW 46.01.260 and 2015 2nd sp.s. c 3 s 10 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the director may destroy applications for vehicle registrations, copies of vehicle registrations issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration or other documents, and records or supporting papers on file in the department that have been microfilmed or

photographed or are more than five years old. The director may destroy applications for vehicle registrations that are renewal applications when the computer record of the applications has been updated.

(2)(a) The director shall not destroy records of convictions or adjudications of RCW 46.61.502, 46.61.503, 46.61.504, 46.61.520, and 46.61.522, ((~~or~~)) records of deferred prosecutions granted under RCW 10.05.120, or any other records of a prior offense as defined in RCW 46.61.5055 and shall maintain such records permanently on file.

(b) ((~~The director shall not, within fifteen years from the date of conviction or adjudication, destroy records if the offense was originally charged as one of the offenses designated in (a) of this subsection, convictions or adjudications of the following offenses: RCW 46.61.500 or 46.61.5249 or any other violation that was originally charged as one of the offenses designated in (a) of this subsection.~~

~~(c)~~)) For purposes of RCW 46.52.101 and 46.52.130, offenses subject to this subsection shall be considered "alcohol-related" offenses.

Sec. 4. RCW 46.64.025 and 2012 c 82 s 5 are each amended to read as follows:

Whenever any person served with a traffic citation or a traffic-related criminal complaint willfully fails to appear at a requested hearing for a moving violation or fails to comply with the terms of a notice of traffic citation for a moving violation or a traffic-related criminal complaint, the court in which the defendant failed to appear shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated. For the purposes of this section, "moving violation" is defined by rule pursuant to RCW 46.20.2891.

Sec. 5. RCW 46.20.291 and 2007 c 393 s 2 are each amended to read as follows:

The department is authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee:

(1) Has committed an offense for which mandatory revocation or suspension of license is provided by law;

(2) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage;

(3) Has been convicted of offenses against traffic regulations governing the movement of vehicles, or found to have committed traffic infractions, with such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways;

(4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);

(5) Has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction, criminal complaint, or citation, as provided in RCW 46.20.289;

(6) Is subject to suspension under RCW 46.20.305 or 9A.56.078;

(7) Has committed one of the prohibited practices relating to drivers' licenses defined in RCW 46.20.0921; or

(8) Has been certified by the department of social and health services as a person who is not in compliance with a child support order or a residential or visitation order as provided in RCW 74.20A.320.

Sec. 6. RCW 46.20.289 and 2012 c 82 s 3 are each amended to read as follows:

The department shall suspend all driving privileges of a person when the department receives notice from a court under RCW 46.63.070(6), 46.63.110(6), or 46.64.025 that the person has failed to respond to a notice of traffic infraction for a moving violation, failed to appear at a requested hearing for a moving violation, violated a written promise to appear in court for a notice of infraction for a moving violation, or has failed to comply with the terms of a notice of traffic infraction, criminal complaint, or citation for a moving violation, or when the department receives notice from another state under Article IV of the nonresident violator compact under RCW 46.23.010 or from a jurisdiction that has entered into an agreement with the department under RCW 46.23.020, other than for a standing, stopping, or parking violation, provided that the traffic infraction or traffic offense is committed on or after July 1, 2005. A suspension under this section takes effect pursuant to the provisions of RCW 46.20.245, and remains in effect until the department has received a certificate from the court showing that the case has been adjudicated, and until the person meets the requirements of RCW 46.20.311. In the case of failure to respond to a traffic infraction issued under RCW 46.55.105, the department shall suspend all driving privileges until the person provides evidence from the court that all penalties and restitution have been paid. A suspension under this section does not take effect if, prior to the effective date of the suspension, the department receives a certificate from the court showing that the case has been adjudicated.

Sec. 7. RCW 9.94A.533 and 2015 c 134 s 2 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the

crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728((~~(3)~~)) (1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an

anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728((~~(3)~~)) (1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements under this subsection ((~~shall be~~)) are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter.

An offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total

confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728((~~(3)~~)) (1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional twelve months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(14) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

Sec. 8. RCW 46.61.506 and 2015 2nd sp.s. c 3 s 22 are each amended to read as follows:

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the person's alcohol concentration is less than 0.08 or the person's THC concentration is less than 5.00, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2)(a) The breath analysis of the person's alcohol concentration shall be based upon grams of alcohol per two hundred ten liters of breath.

(b) The blood analysis of the person's THC concentration shall be based upon nanograms per milliliter of whole blood.

(c) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4)(a) A breath test performed by any instrument approved by the state toxicologist shall be admissible at trial or in an administrative proceeding if the prosecution or department produces prima facie evidence of the following:

(i) The person who performed the test was authorized to perform such test by the state toxicologist;

(ii) The person being tested did not vomit or have anything to eat, drink, or smoke for at least fifteen minutes prior to administration of the test;

(iii) The person being tested did not have any foreign substances, not to include dental work, fixed or removable, in his or her mouth at the beginning of the fifteen-minute observation period;

(iv) Prior to the start of the test, the temperature of any liquid simulator solution utilized as an external standard, as measured by a thermometer approved of by the state toxicologist was thirty-four degrees centigrade plus or minus 0.3 degrees centigrade;

(v) The internal standard test resulted in the message "verified";

(vi) The two breath samples agree to within plus or minus ten percent of their mean to be determined by the method approved by the state toxicologist;

(vii) The result of the test of the liquid simulator solution external standard or dry gas external standard result did lie between .072 to .088 inclusive; and

(viii) All blank tests gave results of .000.

(b) For purposes of this section, "prima facie evidence" is evidence of sufficient circumstances that would support a logical and reasonable inference of the facts sought to be proved. In assessing whether there is sufficient evidence of the foundational facts, the court or administrative tribunal is to assume the truth of the prosecution's or department's evidence and all reasonable inferences from it in a light most favorable to the prosecution or department.

(c) Nothing in this section shall be deemed to prevent the subject of the test from challenging the reliability or accuracy of the test, the reliability or functioning of the instrument, or any maintenance procedures. Such challenges, however, shall not preclude the admissibility of the test once the prosecution or department has made a prima facie showing of the requirements contained in (a) of this subsection. Instead, such challenges may be considered by the trier of fact in determining what weight to give to the test result.

(5) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic or drug content may be performed only by a physician licensed under chapter 18.71 RCW; an osteopathic physician licensed under chapter 18.57 RCW; a registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed under chapter 18.79 RCW; a physician assistant licensed under chapter 18.71A RCW; an osteopathic physician assistant licensed under chapter 18.57A RCW; an advanced emergency medical technician or paramedic licensed under chapter 18.73 RCW; until July 1, 2016, a health care assistant certified under chapter 18.135 RCW; or a medical assistant-certified or medical assistant-phlebotomist certified under chapter 18.360 RCW. Proof of qualification to draw blood may be established through the department of health's provider credential search. This limitation shall not apply to the taking of breath specimens.

(6) The person tested may have a licensed or certified health care provider listed in subsection (5) of this section, or a qualified technician, chemist, or other

qualified person of his or her own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The test will be admissible if the person establishes the general acceptability of the testing technique or method. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(7) Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or her or his or her attorney.

Sec. 9. RCW 10.31.100 and 2014 c 202 s 307, 2014 c 100 s 2, and 2014 c 5 s 1 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is

observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(7) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an

officer the authority to take appropriate action under the laws of the state of Washington.

(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(4) may issue a citation for an infraction to the person in connection with the violation.

(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

(14) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

(16)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years.

(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.

Sec. 10. RCW 10.01.230 and 2011 c 293 s 15 are each amended to read as follows:

(1) The Washington traffic safety commission may develop and maintain a registry of qualified victim impact panels. When imposing a requirement that an offender attend a victim impact panel under RCW 46.61.5152, the court may refer the offender to a victim impact panel that is listed in the registry. The

Washington traffic safety commission may consult with victim impact panel organizations to develop and maintain a registry.

(2) To be listed on the registry, the victim impact panel must meet the following minimum standards:

(a) The victim impact panel must address the effects of driving while impaired on individuals and families and address alternatives to drinking and driving and drug use and driving;

(b) The victim impact panel ((~~should strive to~~)) shall have at least two different speakers, one of whom is a victim survivor of an impaired driving crash, to present their stories in person. A victim survivor may be the panel facilitator. The victim impact panel should be a minimum of sixty minutes of presentation, not including registration and administration time;

(c) The victim impact panel shall have policies and procedures to recruit, screen, train, and provide feedback and ongoing support to the panelists. The panel shall take reasonable steps to verify the authenticity of each panelist's story;

(d) Pursuant to (b) of this subsection, the victim impact panel shall use in-person speakers for each presentation for a minimum of sixty minutes of presentation. The victim impact panel may supplement the in-person presentations with prerecorded videos, but in no case shall the videos shown exceed fifteen minutes of presentation;

(e) The victim impact panel shall charge a reasonable fee to all persons required to attend, unless otherwise ordered by the court;

(((~~(e)~~))) (f) The victim impact panel shall have a policy to prohibit admittance of anyone under the influence of alcohol or drugs, or anyone whose actions or behavior are otherwise inappropriate. The victim impact panel may institute additional admission requirements;

(((~~(f)~~))) (g) The victim impact panel shall maintain attendance records for at least five years;

(((~~(g)~~))) (h) The victim impact panel shall make reasonable efforts to use a facility that meets standards established by the Americans with disabilities act;

(((~~(h)~~))) (i) The victim impact panel may provide referral information to other community services; and

(((~~(i)~~))) (j) The victim impact panel shall have a designated facilitator who is responsible for the compliance with these minimum standards and who is responsible for maintaining appropriate records and communication with the referring courts and probationary departments regarding attendance or nonattendance.

Sec. 11. RCW 10.05.140 and 2013 2nd sp.s. c 35 s 21 are each amended to read as follows:

As a condition of granting a deferred prosecution petition, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that established by RCW 46.29.490. As a condition of granting a deferred prosecution petition on any alcohol-dependency based case, the court shall also order the installation of an ignition interlock under RCW 46.20.720. The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720(((~~(3)~~))). As a condition of granting a deferred

prosecution petition, the court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. To help ensure continued sobriety and reduce the likelihood of reoffense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution program upon violation of the deferred prosecution order.

Sec. 12. RCW 46.20.311 and 2006 c 73 s 15 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the alcohol or drug dependency agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. <u>The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8).</u> If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing

business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW ((~~or a residential or visitation order~~)), the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(e)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of seventy-five dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of seventy-five dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the alcohol or drug dependency agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person applying for a new license. <u>The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8).</u> If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the

department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of seventy-five dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

Sec. 13. RCW 46.20.385 and 2015 2nd sp.s. c 3 s 3 are each amended to read as follows:

(1)(a) Any person licensed under this chapter or who has a valid driver's license from another state, who is convicted of: (i) A violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance, or (ii) a violation of RCW 46.61.520(1)(a) or an equivalent local or out-of-state statute or ordinance, or (iii) a conviction for a violation of RCW 46.61.520(1) (b) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520(1)(a), or (iv) RCW 46.61.522(1)(b) or an equivalent local or out-of-state statute or ordinance, or (v) RCW 46.61.522(1) (a) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522(1)(b) committed while under the influence of intoxicating liquor or any drug, or (vi) who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, or who is otherwise permitted under subsection (8) of this section, may submit to the department an application for an ignition interlock driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension,

revocation, or denial, unless otherwise permitted under RCW 46.20.720(6). ((~~Subject to the provisions of RCW 46.20.720(3)(b)(ii), the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours.~~))

(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(((~~iii) The time period during which the person is licensed under this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is required under RCW 46.20.720, 46.61.5055, 10.05.140, 46.61.500(3), and 46.61.5249(4). Beginning with incidents occurring on or after September 1, 2011, when calculating the period of time for the restriction under RCW 46.20.720 (2) or (3), the department must also give the person a day-for-day credit for the time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates. For the purposes of this subsection (1)(c)(iii), the term "all vehicles" does not include vehicles that would be subject to the employer exception under RCW 46.20.720(3).~~))

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if the applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon submittal of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility

requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose ignition interlock driver's license has been canceled under this section may reapply for a new ignition interlock driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

(6)(a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the applicant shall pay the cost of installing, removing, and leasing the ignition interlock device and shall pay an additional fee of twenty dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional twenty dollar fee to the department.

(b) The department shall deposit the proceeds of the twenty dollar fee into the ignition interlock device revolving account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

(8)(a) Any person licensed under this chapter who is convicted of a violation of RCW 46.61.500 when the charge was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, may submit to the department an application for an ignition interlock driver's license under this section.

(b) A person who does not have any driver's license under this chapter, but who would otherwise be eligible under this section to apply for an ignition interlock license, may submit to the department an application for an ignition interlock license. The department may require the person to take any driver's licensing examination under this chapter and may require the person to also apply and qualify for a temporary restricted driver's license under RCW 46.20.391.

Sec. 14. RCW 46.20.720 and 2013 2nd sp.s. c 35 s 19 are each amended to read as follows:

(1) ((~~The court may order that after a period of suspension, revocation, or denial of driving privileges, and for up to as long as the court has jurisdiction, any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific calibration setting at which the interlock will prevent the vehicle from being started. The court shall also establish the period of time for which interlock use will be required.~~

~~(2) Under RCW 46.61.5055 and subject to the exceptions listed in that statute, the court shall order any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a~~

~~functioning ignition interlock device installed on all motor vehicles operated by the person. The court shall order any person participating in a deferred prosecution program under RCW 10.05.020 for a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to have a functioning ignition interlock device installed on all motor vehicles operated by the person.~~

~~(3)(a) The department shall require that, after any applicable period of suspension, revocation, or denial of driving privileges, a person may drive only a motor vehicle equipped with a functioning ignition interlock device if the person is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance. The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device if the person is convicted of a violation of RCW 46.61.5249 or 46.61.500 and is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person.~~

~~(b)(i) Except as provided in (b)(ii) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours.~~

~~(ii) The employer exemption does not apply:~~

~~(A) When the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment;~~

~~(B) For the first thirty days after an ignition interlock device has been installed as the result of a first conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or~~

~~(C) For the first three hundred sixty-five days after an ignition interlock device has been installed as the result of a second or subsequent conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance.~~

~~(c) The ignition interlock device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more. Subject to the provisions of subsections (4) and (5) of this section, the period of time of the restriction will be no less than:~~

~~(i) For a person who has not previously been restricted under this section, a period of one year;~~

~~(ii) For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;~~

~~(iii) For a person who has previously been restricted under (c)(ii) of this subsection, a period of ten years.~~

~~(4) A restriction imposed under subsection (3) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying that there have been none of the following incidents in the four consecutive months prior to the date of release:~~

~~(a) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;~~

~~(b) Failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;~~

~~(c) Failure to pass any random retest with a breath alcohol concentration of 0.025 or lower unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples; or~~

~~(d) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device.~~

~~(5) For a person required to install an ignition interlock device pursuant to RCW 46.61.5249(4) or 46.61.500(3), the period of time of the restriction shall be for six months and shall be subject to subsection (4) of this section.~~

~~(6) In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of twenty dollars per month. Payments must be made directly to the ignition interlock company. The company shall remit the additional twenty dollar fee to the department to be deposited into the ignition interlock device revolving account.~~)) **Ignition interlock restriction.** The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device:

(a) **Pretrial release.** Upon receipt of notice from a court that an ignition interlock device restriction has been imposed under RCW 10.21.055;

(b) **Ignition interlock driver's license.** As required for issuance of an ignition interlock driver's license under RCW 46.20.385;

(c) **Deferred prosecution.** Upon receipt of notice from a court that the person is participating in a deferred prosecution program under RCW 10.05.020 for a violation of:

(i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance; or

(ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person would be required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person in the event of a conviction;

(d) **Post conviction.** After any applicable period of suspension, revocation, or denial of driving privileges:

(i) Due to a conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(ii) Due to a conviction of a violation of RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person; or

(e) **Court order.** Upon receipt of an order by a court having jurisdiction that a person charged or convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish

a specific calibration setting at which the ignition interlock will prevent the vehicle from being started. The court shall also establish the period of time for which ignition interlock use will be required.

(2) **Calibration.** Unless otherwise specified by the court for a restriction imposed under subsection (1)(e) of this section, the ignition interlock device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more.

(3) **Duration of restriction.** A restriction imposed under:

(a) Subsection (1)(a) of this section shall remain in effect until:

(i) The court has authorized the removal of the device under RCW 10.21.055; or

(ii) The department has imposed a restriction under subsection (1)(b), (c), or (d) of this section arising out of the same incident.

(b) Subsection (1)(b) of this section remains in effect during the validity of any ignition interlock driver's license that has been issued to the person.

(c) Subsection (1)(c)(i) or (d)(i) of this section shall be for no less than:

(i) For a person who has not previously been restricted under this subsection, a period of one year;

(ii) For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (c)(ii) of this subsection, a period of ten years.

The restriction of a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who committed the offense while a passenger under the age of sixteen was in the vehicle shall be extended for an additional six-month period as required by RCW 46.61.5055(6)(a).

(d) Subsection (1)(c)(ii) or (d)(ii) of this section shall be for a period of no less than six months.

(e) Subsection (1)(e) of this section shall remain in effect for the period of time specified by the court.

The period of restriction under (c) and (d) of this subsection based on incidents occurring on or after the effective date of this section must be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person.

(4) **Requirements for removal.** A restriction imposed under subsection (1)(c) or (d) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying that there have been none of the following incidents in the four consecutive months prior to the date of release:

(a) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;

(c) Failure to pass any random retest with a breath alcohol concentration of 0.025 or lower unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples; or

(d) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device.

(5) **Day-for-day credit.** (a) The time period during which a person has an ignition interlock device installed in order to meet the requirements of subsection (1)(b) of this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident.

(b) The department must also give the person a day-for-day credit for any time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates, other than those subject to the employer exemption under subsection (6) of this section.

(c) If the day-for-day credit granted under this subsection equals or exceeds the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident, and the person has already met the requirements for removal of the device under subsection (4) of this section, the department may waive the requirement that a device be installed or that the person again meet the requirements for removal.

(6) **Employer exemption.** (a) Except as provided in (b) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours.

(b) The employer exemption does not apply when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment.

(7) **Ignition interlock device revolving account.** In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of twenty dollars per month. Payments must be made directly to the ignition interlock company. The company shall remit the additional twenty dollar fee to the department to be deposited into the ignition interlock device revolving account. The department may waive the monthly fee if the person is indigent under RCW 10.101.010.

(8) **Foreign jurisdiction.** For a person restricted under this section who is residing outside of the state of Washington, the department may accept verification of installation of an ignition interlock device by an ignition interlock company authorized to do business in the jurisdiction in which the person resides, provided the device meets any applicable requirements of that jurisdiction. The department may waive the monthly fee required by subsection

(7) of this section if collection of the fee would be impractical in the case of a person residing in another jurisdiction.

Sec. 15. RCW 46.20.308 and 2015 2nd sp.s. c 3 s 5 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath for the purpose of determining the alcohol concentration in his or her breath if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. Prior to administering a breath test pursuant to this section, the officer shall inform the person of his or her right under this section to refuse the breath test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver, in substantially the following language, that:

(a) If the driver refuses to take the test, the driver's license, permit, or privilege to drive will be revoked or denied for at least one year; and

(b) If the driver refuses to take the test, the driver's refusal to take the test may be used in a criminal trial; and

(c) If the driver submits to the test and the test is administered, the driver's license, permit, or privilege to drive will be suspended, revoked, or denied for at least ninety days if:

(i) The driver is age twenty-one or over and the test indicates either that the alcohol concentration of the driver's breath is 0.08 or more; or

(ii) The driver is under age twenty-one and the test indicates either that the alcohol concentration of the driver's breath is 0.02 or more; or

(iii) The driver is under age twenty-one and the driver is in violation of RCW 46.61.502 or 46.61.504; and

(d) If the driver's license, permit, or privilege to drive is suspended, revoked, or denied the driver may be eligible to immediately apply for an ignition interlock driver's license.

(3) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested exercises the right, granted herein, by refusing upon the request of a law enforcement officer to submit to a test or tests of his or her breath, no test shall be given except as otherwise authorized by law.

(4) Nothing in subsection (1), (2), or (3) of this section precludes a law enforcement officer from obtaining a person's blood to test for alcohol, marijuana, or any drug, pursuant to a search warrant, a valid waiver of the warrant requirement, when exigent circumstances exist, or under any other authority of law. Any blood drawn for the purpose of determining the person's alcohol, marijuana levels, or any drug, is drawn pursuant to this section when the

officer has reasonable grounds to believe that the person is in physical control or driving a vehicle under the influence or in violation of RCW 46.61.503.

(5) If, after arrest and after any other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more, or the THC concentration of the person's blood is 5.00 or more, if the person is age twenty-one or over, or that the alcohol concentration of the person's breath or blood is 0.02 or more, or the THC concentration of the person's blood is above 0.00, if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection (6) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (7) of this section;

(c) Serve notice in writing that the license or permit, if any, is a temporary license that is valid for ((~~sixty~~)) thirty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (7) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(d) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol or THC concentration in violation of RCW 46.61.503;

(ii) That after receipt of any applicable warnings required by subsection (2) of this section the person refused to submit to a test of his or her breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.08 or more, or the THC concentration of the person's blood was 5.00 or more, if the person is age twenty-one or over, or that the alcohol concentration of the person's breath or blood was 0.02 or more, or the THC concentration of the person's blood was above 0.00, if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(6) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under subsection (5)(d) of this section, shall suspend, revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW

46.20.3101, such suspension, revocation, or denial to be effective beginning ((~~sixty~~)) thirty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (7) of this section, whichever occurs first.

(7) A person receiving notification under subsection (5)(b) of this section may, within ((~~twenty~~)) seven days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of three hundred seventy-five dollars as part of the request. If the request is mailed, it must be postmarked within ((~~twenty~~)) seven days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required three hundred seventy-five dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required three hundred seventy-five dollar fee if the person is an indigent as defined in RCW 10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within ((~~sixty~~)) thirty days, excluding Saturdays, Sundays, and legal holidays, following the date of timely receipt of such request for a formal hearing before the department or thirty days, excluding Saturdays, Sundays, and legal holidays following ((~~the arrest or following~~)) the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license under subsection (5) of this section extended, if the person is otherwise eligible for licensing. Unless otherwise agreed to by the department and the person, the department must give five days notice of the hearing to the person. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more, or THC in his or her system in a concentration above 0.00, if the person was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered pursuant to a search warrant, a valid waiver of the warrant requirement, when exigent circumstances exist, or under any other authority of law as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more, or the THC concentration of the person's blood was 5.00 or more, if the person was age twenty-one or over at the time of the arrest, or that the alcohol concentration of the person's breath or

blood was 0.02 or more, or the THC concentration of the person's blood was above 0.00, if the person was under the age of twenty-one at the time of the arrest. Where a person is found to be in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was under the age of twenty-one at the time of the arrest and was in physical control of a motor vehicle while having alcohol in his or her system in a concentration of 0.02 or THC concentration above 0.00, the person may petition the hearing officer to apply the affirmative defense found in RCW 46.61.504(3) and 46.61.503(2). The driver has the burden to prove the affirmative defense by a preponderance of the evidence. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more, or THC in his or her system in a concentration above 0.00, and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, or denial either be rescinded or sustained.

(8) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. The review must be limited to a determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial

evidence in the record: (a) That were expressly made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial it may impose conditions on such stay.

(9)(a) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied under subsection (6) of this section, other than as a result of a breath test refusal, and who has not committed an offense for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (6) of this section, or notifies the department of licensing of the intent to seek such a deferred prosecution, then the license suspension or revocation shall be stayed pending entry of the deferred prosecution. The stay shall not be longer than one hundred fifty days after the date charges are filed, or two years after the date of the arrest, whichever time period is shorter. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license under subsection (5) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary license or extension of a temporary license issued under this subsection.

(b) A suspension, revocation, or denial imposed under this section, other than as a result of a breath test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(c) The provisions of (b) of this subsection relating to a stay of a suspension, revocation, or denial and the cancellation of any suspension, revocation, or denial do not apply to the suspension, revocation, denial, or disqualification of a person's commercial driver's license or privilege to operate a commercial motor vehicle.

(10) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 16. RCW 10.21.055 and 2015 2nd sp.s. c 3 s 2 are each amended to read as follows:

(1)(a) When any person charged with a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, in which the person has a prior offense as defined in RCW 46.61.5055 and the current offense involves alcohol, is released from custody at arraignment or trial on bail or personal recognizance, the court authorizing the release shall require, as a condition of release that person comply with one of the following four requirements:

(i) Have a functioning ignition interlock device installed on all motor vehicles operated by the person, with proof of installation filed with the court by the person or the certified interlock provider within five business days of the date of release from custody or as soon thereafter as determined by the court based on availability within the jurisdiction; or

(ii) Comply with 24/7 sobriety program monitoring, as defined in RCW 36.28A.330; or

(iii) Have an ignition interlock device on all motor vehicles operated by the person pursuant to (a)(i) of this subsection and submit to 24/7 sobriety program monitoring pursuant to (a)(ii) of this subsection, if available, or alcohol monitoring, at the expense of the person, as provided in RCW 46.61.5055(5) (b) and (c); or

(iv) Have an ignition interlock device on all motor vehicles operated by the person and that such person agrees not to operate any motor vehicle without an ignition interlock device as required by the court. Under this subsection (1)(a)(iv), the person must file a sworn statement with the court upon release at arraignment that states the person will not operate any motor vehicle without an ignition interlock device while the ignition interlock restriction is imposed by the court. Such person must also submit to 24/7 sobriety program monitoring pursuant to (a)(ii) of this subsection, if available, or alcohol monitoring, at the expense of the person, as provided in RCW 46.61.5055(5) (b) and (c).

(b) The court shall immediately notify the department of licensing when an ignition interlock restriction is imposed: (i) As a condition of release pursuant to (a) of this subsection; or (ii) in instances where a person is charged with, or convicted of, a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, and the offense involves alcohol. If the court imposes an ignition interlock restriction, the department of licensing shall attach or imprint a notation on the driving record of any person restricted under this section stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device.

(2)(a) Upon acquittal or dismissal of all pending or current charges relating to a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, or equivalent local ordinance, the court shall authorize removal of the ignition interlock device and lift any requirement to comply with electronic alcohol/drug monitoring imposed under subsection (1) of this section. Nothing in this section limits the authority of the court or department under RCW 46.20.720.

(b) If the court authorizes removal of an ignition interlock device imposed under ((~~(a) of~~)) this ((~~subsection[,]~~)) section, the court shall immediately notify the department of licensing regarding the lifting of the ignition interlock restriction and the department of licensing shall release any attachment, imprint,

or notation on such person's driving record relating to the ignition interlock requirement imposed under this section.

(3) When an ignition interlock restriction imposed as a condition of release is canceled, the court shall provide a defendant with a written order confirming release of the restriction. The written order shall serve as proof of release of the restriction until which time the department of licensing updates the driving record.

Sec. 17. RCW 46.61.5055 and 2015 2nd sp.s. c 3 s 9 are each amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than three hundred sixty-four days. Twenty-four consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring <u>or a ninety day period of 24/7 sobriety program monitoring</u>. <u>The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing.</u> The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than three hundred sixty-four days. Forty-eight consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not

less than thirty days of electronic home monitoring or a one hundred twenty day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) **One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. In lieu of the mandatory minimum term of sixty days electronic home monitoring, the court may order at least an additional four days in jail or, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and the court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. In lieu

of the mandatory minimum term of ninety days electronic home monitoring, the court may order at least an additional six days in jail or, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and the court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(3) **Two or three prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or three prior offenses within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred twenty days of electronic home monitoring, the court may order at least an additional eight days in jail. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred fifty days of electronic home monitoring, the court may order at least an additional ten days in jail. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) **Four or more prior offenses in ten years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has four or more prior offenses within ten years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.**

(a) **Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol

monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **((~~Ignition interlock device substituted for~~)) 24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional six months;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment and a fine of not less than one thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment and a fine of not less than two thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two or three prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment and a fine of not less than three thousand dollars and not more than ten thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(7) **Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) **Treatment and information school.** An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(9) **Driver's license privileges of the defendant.** The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) **Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ninety day period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) **Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) **Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) **Conditions of probation.** (a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720((~~(3)~~)). The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to

drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) **Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) **Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

(14) **Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be

treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means alcohol or drug treatment approved by the department of social and health services;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ten years" means that the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

Sec. 18. RCW 46.20.3101 and 2013 c 3 s 32 are each amended to read as follows:

Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit, or privilege to drive as follows:

(1) In the case of a person who has refused a test or tests:

(a) For a first refusal within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, revocation or denial for one year;

(b) For a second or subsequent refusal within seven years, or for a first refusal where there has been one or more previous incidents within seven years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer.

(2) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.08 or more, or that the THC concentration of the person's blood was 5.00 or more:

(a) For a first incident within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, suspension for ninety days, unless the person successfully completes or is enrolled in a pretrial 24/7 sobriety program;

(b) For a second or subsequent incident within seven years, revocation or denial for two years.

(3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.02 or more, or that the THC concentration of the person's blood was above 0.00:

(a) For a first incident within seven years, suspension or denial for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for one year or until the person reaches age twenty-one, whichever is longer.

(4) The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this section for a suspension, revocation, or denial imposed under RCW 46.61.5055 arising out of the same incident.

Sec. 19. RCW 36.28A.390 and 2015 2nd sp.s. c 3 s 19 are each amended to read as follows:

(1) A general authority Washington peace officer, as defined in RCW 10.93.020, who has probable cause to believe that a participant has violated the terms of participation in the 24/7 sobriety program may immediately take the participant into custody and cause him or her to be held until an appearance before a judge on the next judicial day.

(2) A participant who violates the terms of participation in the 24/7 sobriety program or does not pay the required fees or associated costs pretrial or posttrial shall, at a minimum:

(a) Receive a written warning notice for a first violation;

(b) Serve ((~~the lesser of two days imprisonment or if posttrial, the entire remaining sentence imposed by the court~~)) a minimum of one day imprisonment for a second violation;

(c) Serve ((~~the lesser of five days imprisonment or if posttrial, the entire remaining sentence imposed by the court~~)) a minimum of three days imprisonment for a third violation;

(d) Serve ((~~the lesser of ten days imprisonment or if posttrial, the entire remaining sentence imposed by the court~~)) a minimum of five days imprisonment for a fourth violation; and

(e) Serve a minimum of seven days imprisonment for a fifth or subsequent violation ((~~pretrial, the participant shall abide by the order of the court. For posttrial participants, the participant shall serve the entire remaining sentence imposed by the court~~)).

(3) The court may remove a participant from the 24/7 sobriety program at any time for noncompliance with the terms of participation. If a participant is removed from the 24/7 sobriety program, the court shall send written notice to the department of licensing within five business days.

NEW SECTION. **Sec. 20.** RCW 36.28A.310 (24/7 sobriety program pilot project) and 2013 2nd sp.s. c 35 s 24 are each repealed.

NEW SECTION. **Sec. 21.** Section 15 of this act takes effect January 1, 2019.

Passed by the House March 10, 2016.
Passed by the Senate March 9, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 204

[House Bill 2623]

STATEWIDE ADVISORY MEASURES--RECOUNTS

AN ACT Relating to recounts of statewide advisory measures; and amending RCW 29A.64.090.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 29A.64.090 and 2013 c 11 s 70 are each amended to read as follows:

When the official canvass of returns of any election reveals that the difference in the number of votes cast for the approval of a statewide measure and the number of votes cast for the rejection of such measure is less than two thousand votes and also less than one-half of one percent of the total number of

votes cast on such measure, the secretary of state shall direct that a recount of all votes cast on such measure be made on such measure, in the manner provided by RCW 29A.64.041 and 29A.64.061, and the cost of such recount will be at state expense. This section does not apply to any statewide advisory vote of the people that was placed on the ballot pursuant to RCW 43.135.041 and the secretary of state shall not direct any recount for any statewide advisory vote of the people.

Passed by the House February 12, 2016.
Passed by the Senate March 1, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 205

[Second Substitute House Bill 2449]

TRUANCY--INTERVENTION AND PREVENTION

AN ACT Relating to court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy; amending RCW 28A.225.005, 28A.225.020, 28A.225.025, 28A.225.030, 28A.225.035, 28A.225.090, 43.185C.315, 43.185C.320, 28A.165.005, 28A.165.035, and 28A.655.235; adding new sections to chapter 28A.225 RCW; adding a new section to chapter 43.185C RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 2.56 RCW; creating new sections; providing an effective date; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

***NEW SECTION.** Sec. 1. The legislature recognizes that all children and youth in Washington state are entitled to a basic education and to an equal opportunity to learn. The legislature recognizes that poor school attendance can have far-reaching effects on academic performance and achievement, development of social skills and school engagement, dropout rates, and even college completion rates, and that these effects occur regardless of whether excessive absenteeism is considered excused or unexcused or the specific reason or reasons for the absences. The legislature recognizes that there are many causes of truancy and that truancy is an indicator of future school dropout and delinquent behavior. The legislature recognizes that early engagement of parents in the education process is an important measure in preventing truancy. It is the intent of the legislature to encourage the systematic identification of truant behavior as early as possible and to encourage the use of best practices and evidence-based interventions to reduce truant behavior in every school in Washington state. The legislature intends that schools, parents, juvenile courts, and communities share resources within and across school districts where possible to enhance the availability of best practices and evidence-based intervention for truant children and youth.*

By taking a four-pronged approach and providing additional tools to schools, courts, communities, and families, the legislature hopes to reduce excessive absenteeism, strengthen families, engage communities and families with schools, promote academic achievement, reduce educational opportunity gaps, reduce juvenile delinquency, address juveniles' emotional, mental health, and chemical dependency needs, and increase high school graduation rates.

First, with respect to absenteeism in general, the legislature intends to put in place consistent practices and procedures, beginning in kindergarten, pursuant to which schools share information with families about the importance of consistent attendance and the consequences of excessive absences, involve families early, and provide families with information, services, and tools that they may access to improve and maintain their children's school attendance.

Second, the legislature recognizes the success that has been had by school districts and county juvenile courts around the state that have worked in tandem with one another to establish truancy boards capable of prevention and intervention and that regularly stay truancy petitions in order to first allow these boards to identify barriers to school attendance, cooperatively solve problems, and connect students and their families with needed community-based services. While keeping petition filing requirements in place, the legislature intends to require an initial stay of truancy petitions in order to allow for appropriate intervention and prevention before using a court order to enforce attendance laws. The legislature also intends to encourage efforts by county juvenile courts and school districts to establish and maintain community truancy boards and to employ other best practices, including the provision of training for board members and other school and court personnel on trauma-informed approaches to discipline, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families.

Third, the legislature recognizes that there are instances in which barriers to school attendance that have led to truancy may be best addressed by juvenile courts, which may refer truant students to a crisis residential center or HOPE center for the provision of services. The legislature further recognizes that even when a truant student is found in contempt of a court order to attend school, it is best practice that the truant student not be placed in juvenile detention but, where feasible and available, instead be placed in a secure crisis residential center. The legislature intends to increase the number of beds in HOPE centers and crisis residential centers in order to facilitate their use for truant students.

Fourth, the legislature recognizes that some problematic behaviors that are predictive of truancy and delinquency may be best addressed by appropriate screenings and, where appropriate, temporary provision of home services. The legislature intends to strengthen the juvenile court's ability to seek a chemical dependency or mental health assessment for a child subject to a truancy petition, if the court finds that such an assessment might help to reengage a child in school. The legislature further finds that where family conflict exists or a juvenile's health or safety is in jeopardy due to circumstances in the child's home, referral to a crisis residential center might be appropriate to help achieve family reconciliation.

Sec. 1 was vetoed. See message at end of chapter.

Sec. 2. RCW 28A.225.005 and 2009 c 556 s 5 are each amended to read as follows:

(1) Each school within a school district shall inform the students and the parents of the students enrolled in the school about: The benefits of regular school attendance; the potential effects of excessive absenteeism, whether excused or unexcused, on academic achievement, and graduation and dropout rates; the school's expectations of the parents and guardians to ensure regular school attendance by the child; the resources available to assist the child and the parents and guardians; the role and responsibilities of the school; and the consequences of truancy, including the compulsory education requirements under this chapter. The school shall provide access to the information ((~~at least annually.~~)) before or at the time of enrollment of the child at a new school and at the beginning of each school year. If the school regularly and ordinarily communicates most other information to parents online, providing online access to the information required by this section satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. Reasonable efforts must be made to enable parents to request and receive the information in a language in which they are fluent. A parent must date and acknowledge review of this information online or in writing before or at the time of enrollment of the child at a new school and at the beginning of each school year.

(2) The office of the superintendent of public instruction shall develop a template that schools may use to satisfy the requirements of subsection (1) of this section and shall post the information on its web site.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.225 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, in the event that a child in elementary school is required to attend school under RCW 28A.225.010 or 28A.225.015(1) and has five or more excused absences in a single month during the current school year, or ten or more excused absences in the current school year, the school district shall schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of identifying the barriers to the child's regular attendance, and the supports and resources that may be made available to the family so that the child is able to regularly attend school. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the absences, the school district may schedule this conference on that day. To satisfy the requirements of this section, the conference must include at least one school district employee such as a nurse, counselor, social worker, teacher, or community human services provider, except in those instances regarding the attendance of a child who has an individualized education program or a plan developed under section 504 of the rehabilitation act of 1973, in which case the reconvening of the team that created the program or plan is required.

(2) A conference pursuant to subsection (1) of this section is not required in the event of excused absences for which prior notice has been given to the school or a doctor's note has been provided and an academic plan is put in place so that the child does not fall behind.

Sec. 4. RCW 28A.225.020 and 2009 c 266 s 1 are each amended to read as follows:

(1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:

(a) Inform the child's ((~~custodial~~)) parent((~~, parents, or guardian~~)) by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences. If the ((~~custodial~~)) parent((~~, parents, or guardian~~)) is not fluent in English, the ((~~preferred practice is to~~)) school must make reasonable efforts to provide this information in a language in which the ((~~custodial~~)) parent((~~, parents, or guardian~~)) is fluent;

(b) Schedule a conference or conferences with the ((~~custodial~~)) parent((~~, parents, or guardian~~)) and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(c) Take data-informed steps to eliminate or reduce the child's absences. These steps shall include application of the Washington assessment of the risks and needs of students (WARNS) by a school district's designee under section 6 of this act, and where appropriate, providing an available approved best practice or research-based intervention, or both, consistent with the WARNS profile, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, ((~~if available,~~)) requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence.

(2) For purposes of this chapter, an "unexcused absence" means that a child:

(a) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

(b) Has failed to meet the school district's policy for excused absences.

(3) If a child transfers from one school district to another during the school year, the receiving school or school district shall include the unexcused absences accumulated at the previous school or from the previous school district for purposes of this section, RCW 28A.225.030, and 28A.225.015. The sending school district shall provide this information to the receiving school, together with a copy of any previous assessment as required under subsection (1)(c) of this section, history of any best practices or researched-based intervention previously provided to the child by the child's sending school district, and a copy of the most recent truancy information including any online or written acknowledgment by the parent and child, as provided for in RCW 28A.225.005.

Sec. 5. RCW 28A.225.025 and 2009 c 266 s 2 are each amended to read as follows:

(1) For purposes of this chapter, "community truancy board" means a board established pursuant to a memorandum of understanding between a juvenile court and a school district and composed of members of the local community in which the child attends school. ((~~Juvenile courts may establish and operate community truancy boards. If the juvenile court and the school district agree, a school district may establish and operate a community truancy board under the jurisdiction of the juvenile court. Juvenile courts may create a community truancy board or may use other entities that exist or are created, such as diversion units. However, a diversion unit or other existing entity must agree before it is used as a truancy board.~~)) All members of a community truancy board must receive training regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, evidence-based treatments that have been found effective in supporting at-risk youth and their families, and the specific services and treatment available in the particular school, court, community, and elsewhere. Duties of a community truancy board shall include, but not be limited to: Identifying barriers to school attendance, recommending methods for improving ((~~school~~)) attendance such as ((~~assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences or~~)) connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy, multisystemic therapy, and aggression replacement training, suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program, or recommending to the juvenile court that a juvenile be referred to a HOPE center or crisis residential center.

(2) The legislature finds that utilization of community truancy boards((~~, or other diversion units that fulfill a similar function,~~)) is the preferred means of intervention when preliminary methods ((~~of notice and parent conferences and taking appropriate steps~~)) to eliminate or reduce unexcused absences as required by RCW 28A.225.020 have not been effective in securing the child's attendance at school. The legislature intends to encourage and support the development and expansion of community truancy boards ((~~and other diversion programs which are effective in promoting school attendance and preventing the need for more intrusive intervention by the court~~)). Operation of a school truancy board does not excuse a district from the obligation of filing a petition within the requirements of RCW 28A.225.015(3).

NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.225 RCW to read as follows:

(1) By the beginning of the 2017-18 school year, juvenile courts must establish, through a memorandum of understanding with each school district within their respective counties, a coordinated and collaborative approach to address truancy through the establishment of a community truancy board or, with respect to certain small districts, through other means as provided in subsection (3) of this section.

(2) Except as provided in subsection (3) of this section, each school district must enter into a memorandum of understanding with the juvenile court in the

county in which it is located with respect to the operation of a community truancy board. A community truancy board may be operated by a juvenile court, a school district, or a collaboration between both entities, so long as the agreement is memorialized in a memorandum of understanding. For a school district that is located in more than one county, the memorandum of understanding shall be with the juvenile court in the county that acts as the school district's treasurer.

(3) A school district with fewer than two hundred students must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to: (a) The operation of a community truancy board; or (b) addressing truancy through other coordinated means of intervention aimed at identifying barriers to school attendance, and connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy, multisystemic therapy, and aggression replacement training. School districts with fewer than two hundred students may work cooperatively with other school districts or the school district's educational service district to ensure access to a community truancy board or to provide other coordinated means of intervention.

(4) All school districts must designate, and identify to the local juvenile court, a person or persons to coordinate school district efforts to address excessive absenteeism and truancy, including tasks associated with: Outreach and conferences pursuant to section 3 of this act; entering into a memorandum of understanding with the juvenile court; establishing protocols and procedures with the court; coordinating trainings; sharing evidence-based and culturally appropriate promising practices; identifying a person within every school to serve as a contact with respect to excessive absenteeism and truancy; and assisting in the recruitment of community truancy board members.

(5) As has been demonstrated by school districts and county juvenile courts around the state that have worked together and led the way with community truancy boards, success has resulted from involving the entire community and leveraging existing dollars from a variety of sources, including public and private, local and state, and court, school, and community. In emulating this coordinated and collaborative approach statewide pursuant to local memoranda of understanding, courts and school districts are encouraged to create strong community-wide partnerships and to leverage existing dollars and resources.

Sec. 7. RCW 28A.225.030 and 2012 c 157 s 1 are each amended to read as follows:

(1) If a child under the age of seventeen is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. The petition must include a list of all interventions that have been attempted as set forth in RCW 28A.225.020, include a copy of any previous truancy assessment completed by the child's current school district, the history of approved best practices intervention or research-based intervention

previously provided to the child by the child's current school district, and a copy of the most recent truancy information document signed by the parent and child, pursuant to RCW 28A.225.005. Except as provided in this subsection, no additional documents need be filed with the petition. Nothing in this subsection requires court jurisdiction to terminate when a child turns seventeen or precludes a school district from filing a petition for a child that is seventeen years of age.

(2) The district shall not later than the fifth unexcused absence in a month:

(a) Enter into an agreement with a student and parent that establishes school attendance requirements;

(b) Refer a student to a community truancy board((~~, if available,~~)) as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

(c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

Sec. 8. RCW 28A.225.035 and 2012 c 157 s 2 are each amended to read as follows:

(1) A petition for a civil action under RCW 28A.225.030 or 28A.225.015 shall consist of a written notification to the court alleging that:

(a) The child has unexcused absences as described in RCW 28A.225.030(1) during the current school year;

(b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and

(c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, date of birth, school, address, gender, race, and ethnicity of the child and the names and addresses of the child's parents, and shall set forth ((~~whether~~)) the languages in which the child and parent are fluent ((~~in English~~)), whether there is an existing individualized education program, and the child's current academic status in school.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4)(a) When a petition is filed under RCW 28A.225.030 or 28A.225.015, ((~~the juvenile court shall schedule a hearing at which the court shall consider the petition, or if the court determines that a referral to an available community truancy board would substantially reduce the child's unexcused absences, the court may refer the case to a community truancy board under the jurisdiction of the juvenile court~~)) it shall initially be stayed by the juvenile court, and the child and the child's parent must be referred to a community truancy board or other

coordinated means of intervention as set forth in the memorandum of understanding under section 6 of this act. The community truancy board must provide to the court a description of the intervention and prevention efforts to be employed to substantially reduce the child's unexcused absences, along with a timeline for completion.

(b) If a community truancy board or other coordinated means of intervention is not in place as required by section 6 of this act, the juvenile court shall schedule a hearing at which the court shall consider the petition.

(5) ((~~If~~)) When a referral is made to a community truancy board, the truancy board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within twenty days of the referral. If the petition is based on RCW 28A.225.015, the child shall not be required to attend and the agreement under this subsection shall be between the truancy board, the school district, and the child's parent. The court may permit the truancy board or truancy prevention counselor to provide continued supervision over the student, or parent if the petition is based on RCW 28A.225.015.

(6) If the community truancy board fails to reach an agreement, or the parent or student does not comply with the agreement within the timeline for completion set by the community truancy board, the community truancy board shall return the case to the juvenile court ((~~for a hearing~~)). The stay of the petition shall be lifted, and the juvenile court shall schedule a hearing at which the court shall consider the petition.

(7)(a) Notwithstanding the provisions in subsection (4)(a) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. Such actions may include referral to an existing community truancy board, use of the Washington assessment of risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, the provision of community-based services, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families. When a juvenile court hearing is held, the court shall:

(i) Separately notify the child, the parent of the child, and the school district of the hearing. If the parent is not fluent in English, ((~~the preferred practice is for~~)) notice ((~~to~~)) should be provided in a language in which the parent is fluent as indicated on the petition pursuant to RCW 28A.225.030(1);

(ii) Notify the parent and the child of their rights to present evidence at the hearing; and

(iii) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(b) If the child is not provided with counsel, the advisement of rights must take place in court by means of a colloquy between the court, the child if eight years old or older, and the parent.

(8)(a) The court may require the attendance of the child if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.

(b) The court may not issue a bench warrant for a child for failure to appear at a hearing on an initial truancy petition filed under RCW 28A.225.030. If there

has been proper service, the court may instead enter a default order assuming jurisdiction under the terms specified in subsection (12) of this section.

(9) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030 or 28A.225.015.

(10) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

(11) If the child is in a special education program or has a diagnosed mental or emotional disorder, the court shall inquire as to what efforts the school district has made to assist the child in attending school.

(12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

(13)(a) If the court assumes jurisdiction, the school district shall periodically report to the court any additional unexcused absences by the child, actions taken by the school district, and an update on the child's academic status in school at a schedule specified by the court.

(b) The first report under this subsection (13) must be received no later than three months from the date that the court assumes jurisdiction.

(14) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

Sec. 9. RCW 28A.225.090 and 2009 c 266 s 4 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, ((~~including suspensions~~)) which shall not consider a suspension day as an unexcused absence;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the

child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) ((~~Be referred to a community truancy board, if available; or~~

~~(e)~~)) Submit to ((~~testing for the use of controlled substances or alcohol based on a determination that such testing~~)) a substance abuse assessment if the court finds on the record that such assessment is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the ((~~drug~~)) substance abuse assessment at no expense to the school;

(e) Submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment, at no expense to the school, if the court finds on the court records that such evaluation is appropriate to the circumstances and behavior of the child, and will facilitate the child's compliance with the mandatory attendance law; or

(f) Submit to a temporary placement in a crisis residential center or a HOPE center if the court determines there is an immediate health and safety concern, or a family conflict with the need for mediation.

(2) If the child fails to comply with the court order, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as community restitution. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than seven days. Detention ordered under this subsection shall preferably be served at a secure crisis residential center close to the child's home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed

pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015.

Sec. 10. RCW 43.185C.315 and 2015 c 69 s 22 are each amended to read as follows:

(1) The department shall establish HOPE centers that provide no more than seventy-five beds across the state and may establish HOPE centers by contract, within funds appropriated by the legislature specifically for this purpose. HOPE centers shall be operated in a manner to reasonably assure that street youth placed there will not run away. Street youth may leave a HOPE center during the course of the day to attend school or other necessary appointments, but the street youth must be accompanied by an administrator or an administrator's designee. The street youth must provide the administration with specific information regarding his or her destination and expected time of return to the HOPE center. Any street youth who runs away from a HOPE center shall not be readmitted unless specifically authorized by the street youth's placement and liaison specialist, and the placement and liaison specialist shall document with specific factual findings an appropriate basis for readmitting any street youth to a HOPE center. HOPE centers are required to have the following:

((~~(1)~~)) (a) A license issued by the department of social and health services;

((~~(2)~~)) (b) A professional with a master's degree in counseling, social work, or related field and at least one year of experience working with street youth or a bachelor of arts degree in social work or a related field and five years of experience working with street youth. This professional staff person may be contractual or a part-time employee, but must be available to work with street youth in a HOPE center at a ratio of one to every fifteen youth staying in a HOPE center. This professional shall be known as a placement and liaison specialist. Preference shall be given to those professionals cross-credentialed in mental health and chemical dependency. The placement and liaison specialist shall:

((~~(a)~~)) (i) Conduct an assessment of the street youth that includes a determination of the street youth's legal status regarding residential placement;

((~~(b)~~)) (ii) Facilitate the street youth's return to his or her legally authorized residence at the earliest possible date or initiate processes to arrange legally authorized appropriate placement. Any street youth who may meet the definition of dependent child under RCW 13.34.030 must be referred to the department of social and health services. The department of social and health services shall

determine whether a dependency petition should be filed under chapter 13.34 RCW. A shelter care hearing must be held within seventy-two hours to authorize out-of-home placement for any youth the department of social and health services determines is appropriate for out-of-home placement under chapter 13.34 RCW. All of the provisions of chapter 13.32A RCW must be followed for children in need of services or at-risk youth;

(((~~(c)~~))) (iii) Interface with other relevant resources and system representatives to secure long-term residential placement and other needed services for the street youth;

(((~~(d)~~))) (iv) Be assigned immediately to each youth and meet with the youth within eight hours of the youth receiving HOPE center services;

(((~~(e)~~))) (v) Facilitate a physical examination of any street youth who has not seen a physician within one year prior to residence at a HOPE center and facilitate evaluation by a county-designated mental health professional, a chemical dependency specialist, or both if appropriate; and

(((~~(f)~~))) (vi) Arrange an educational assessment to measure the street youth's competency level in reading, writing, and basic mathematics, and that will measure learning disabilities or special needs;

(((~~(3)~~))) (c) Staff trained in development needs of street youth as determined by the department, including an administrator who is a professional with a master's degree in counseling, social work, or a related field and at least one year of experience working with street youth, or a bachelor of arts degree in social work or a related field and five years of experience working with street youth, who must work with the placement and liaison specialist to provide appropriate services on site;

(((~~(4)~~))) (d) A data collection system that measures outcomes for the population served, and enables research and evaluation that can be used for future program development and service delivery. Data collection systems must have confidentiality rules and protocols developed by the department;

(((~~(5)~~))) (e) Notification requirements that meet the notification requirements of chapter 13.32A RCW. The youth's arrival date and time must be logged at intake by HOPE center staff. The staff must immediately notify law enforcement and dependency caseworkers if a street youth runs away from a HOPE center. A child may be transferred to a secure facility as defined in RCW 13.32A.030 whenever the staff reasonably believes that a street youth is likely to leave the HOPE center and not return after full consideration of the factors set forth in RCW 43.185C.290(2)(a) (i) and (ii). The street youth's temporary placement in the HOPE center must be authorized by the court or the secretary of the department of social and health services if the youth is a dependent of the state under chapter 13.34 RCW or the department of social and health services is responsible for the youth under chapter 13.32A RCW, or by the youth's parent or legal custodian, until such time as the parent can retrieve the youth who is returning to home;

(((~~(6)~~))) (f) HOPE centers must identify to the department of social and health services any street youth it serves who is not returning promptly to home. The department of social and health services then must contact the missing children's clearinghouse identified in chapter 13.60 RCW and either report the youth's location or report that the youth is the subject of a dependency action and the

parent should receive notice from the department of social and health services; and

((~~(7)~~)) (g) Services that provide counseling and education to the street youth((~~; and~~)).

((~~(8)~~)) (2) The department shall award contracts for the operation of HOPE center beds with the goal of facilitating the coordination of services provided for youth by such programs and those services provided by secure and semi-secure crisis residential centers.

(3) Subject to funds appropriated for this purpose, the department must incrementally increase the number of available HOPE beds by at least seventeen beds in fiscal year 2017, at least seventeen beds in fiscal year 2018, and at least seventeen beds in fiscal year 2019, such that by July 1, 2019, seventy-five HOPE beds are established and operated throughout the state as set forth in subsection (1) of this section.

(4) Subject to funds appropriated for this purpose, the beds available in HOPE centers shall be increased incrementally beyond the limit of seventy-five set forth in subsection (1) of this section. The additional capacity shall be distributed around the state based upon need and, to the extent feasible, shall be geographically situated so that HOPE beds are available across the state. In determining the need for increased numbers of HOPE beds in a particular county or counties, one of the considerations should be the volume of truancy petitions filed there.

Sec. 11. RCW 43.185C.320 and 2015 c 69 s 23 are each amended to read as follows:

To be eligible for placement in a HOPE center, a minor must be either a street youth, as that term is defined in this chapter, or a youth who, without placement in a HOPE center, will continue to participate in increasingly risky behavior, including truancy. Youth may also self-refer to a HOPE center. Payment for a HOPE center bed is not contingent upon prior approval by the department; however, approval from the department of social and health services is needed if the youth is dependent under chapter 13.34 RCW.

NEW SECTION. **Sec. 12.** A new section is added to chapter 43.185C RCW to read as follows:

Subject to funds appropriated for this purpose, the capacity available in crisis residential centers established pursuant to this chapter shall be increased incrementally by no fewer than ten beds per fiscal year through fiscal year 2019 in order to accommodate truant students found in contempt of a court order to attend school. The additional capacity shall be distributed around the state based upon need and, to the extent feasible, shall be geographically situated to expand the use of crisis residential centers as set forth in this chapter so they are available for use by all courts for housing truant youth.

Sec. 13. RCW 28A.165.005 and 2013 2nd sp.s. c 18 s 201 are each amended to read as follows:

(1) This chapter is designed to: (a) Promote the use of data when developing programs to assist underachieving students and reduce disruptive behaviors in the classroom; and (b) guide school districts in providing the most effective and efficient practices when implementing supplemental

instruction and services to assist underachieving students and reduce disruptive behaviors in the classroom.

(2) School districts implementing a learning assistance program shall focus first on addressing the needs of students:

(a) In grades kindergarten through four who are deficient in reading or reading readiness skills to improve reading literacy; and

(b) For whom a conference is required under section 3 of this act or who are the subject of a petition under RCW 28A.225.035 to increase regular school attendance and eliminate truancy.

(3) For purposes of this chapter, "disruptive behaviors in the classroom" includes excessive absenteeism and truancy.

**Sec. 13 was vetoed. See message at end of chapter.*

**Sec. 14. RCW 28A.165.035 and 2013 2nd sp.s. c 18 s 203 are each amended to read as follows:*

(1) Beginning in the 2015-16 school year, expenditure of funds from the learning assistance program must be consistent with the provisions of RCW 28A.655.235.

(2) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235, the following are services and activities that may be supported by the learning assistance program:

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

(c) Professional development for certificated and classified staff that focuses on:

(i) The needs of a diverse student population;

(ii) Specific literacy and mathematics content and instructional strategies; and

(iii) The use of student work to guide effective instruction and appropriate assistance;

(d) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

(e) Tutoring support for participating students;

(f) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators; ((and))

(g) Up to five percent of a district's learning assistance program allocation may be used for development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The office of the superintendent of public instruction must approve any community-based organization or local agency before learning assistance funds may be expended; and

(h) Up to two percent of a district's learning assistance program allocation may be used to fund school efforts to address excessive absenteeism and truancy as described in section 3 of this act and RCW 28A.225.025.

(3) In addition to the state menu developed under RCW 28A.655.235, the office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom. The office of the superintendent of public instruction shall publish the state menus by July 1, 2015, and update the state menus by each July 1st thereafter.

(4)(a) Beginning in the 2016-17 school year, except as provided in (b) of this subsection, school districts must use a practice or strategy that is on a state menu developed under subsection (3) of this section or RCW 28A.655.235.

(b) Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on a state menu developed under subsection (3) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.

(c) Beginning in the 2016-17 school year, school districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.

(5) School districts are encouraged to implement best practices and strategies from the state menus developed under this section and RCW 28A.655.235 before the use is required.

**Sec. 14 was vetoed. See message at end of chapter.*

**Sec. 15. RCW 28A.655.235 and 2013 2nd sp.s. c 18 s 106 are each amended to read as follows:*

(1)(a) Beginning in the 2015-16 school year, except as otherwise provided in this subsection (1), for any student who received a score of basic or below basic on the third grade statewide student assessment in English language arts in the previous school year, the school district must implement an intensive reading and literacy improvement strategy from a state menu of best practices established in accordance with subsection (3) of this section or an alternative strategy in accordance with subsection (4) of this section.

(b) A community truancy board or other coordinated means of intervention as provided in section 6 of this act is considered a best practice under this section.

(c) Reading and literacy improvement strategies for students with disabilities whose individualized education program includes specially

designed instruction in reading or English language arts shall be as provided in the individualized education program.

(2)(a) Also beginning in the 2015-16 school year, in any school where more than forty percent of the tested students received a score of basic or below basic on the third grade statewide student assessment in English language arts in the previous school year, as calculated under this subsection (2), the school district must implement an intensive reading and literacy improvement strategy from a state menu of best practices established in accordance with subsection (3) of this section or an alternative strategy in accordance with subsection (4) of this section for all students in grades kindergarten through four at the school.

(b) For the purposes of this subsection (2), the office of the superintendent of public instruction shall exclude the following from the calculation of a school's percentage of tested students receiving a score of basic or below basic on the third grade statewide student assessment:

(i) Students enrolled in the transitional bilingual instruction program unless the student has participated in the transitional bilingual instruction program for three school years;

(ii) Students with disabilities whose individualized education program specifies a different standard to measure reading performance than is required for the statewide student assessment; and

(iii) Schools with fewer than ten students in third grade.

(3) The office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop a state menu of best practices and strategies for intensive reading and literacy improvement designed to assist struggling students in reaching grade level in reading by the end of fourth grade. The state menu must also include best practices and strategies to improve the reading and literacy of students who are English language learners and for system improvements that schools and school districts can implement to improve reading instruction for all students. The office of the superintendent of public instruction shall publish the state menu by July 1, 2014, and update the state menu by each July 1st thereafter.

(4) School districts may use an alternative practice or strategy that is not on a state menu developed under subsection (3) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction must approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate an increase in improved outcomes for participating students.

****Sec. 15 was vetoed. See message at end of chapter.***

NEW SECTION. **Sec. 16.** The office of the superintendent of public instruction shall develop recommendations as to how mandatory school attendance and truancy amelioration provisions under chapter 28A.225 RCW should be applied to online schools and report back to the relevant committees of the legislature by November 1, 2016.

NEW SECTION. **Sec. 17.** A new section is added to chapter 43.330 RCW to read as follows:

(1) By requiring an initial stay of truancy petitions for diversion to community truancy boards, the legislature intends to achieve the following outcomes:

(a) Increased access to community truancy boards and other truancy early intervention programs for parents and children throughout the state;

(b) Increased quantity and quality of truancy intervention and prevention efforts in the community;

(c) A reduction in the number of truancy petitions that result in further proceedings by juvenile courts, other than dismissal of the petition, after the initial stay and diversion to a community truancy board;

(d) A reduction in the number of truancy petitions that result in a civil contempt proceeding or detention order; and

(e) Increased school attendance.

(2) No later than January 1, 2021, the Washington state institute for public policy is directed to evaluate the effectiveness of chapter . . ., Laws of 2016 (this act). An initial report scoping of the methodology to be used to review chapter . . ., Laws of 2016 (this act) shall be submitted to the fiscal committees of the legislature by January 1, 2018. The initial report must identify any data gaps that could hinder the ability of the institute to conduct its review.

NEW SECTION. **Sec. 18.** (1) The educational opportunity gap oversight and accountability committee shall conduct a review and make recommendations to the appropriate committees of the legislature with respect to:

(a) The cultural competence training that community truancy board members, as well as others involved in the truancy process, should receive;

(b) Best practices for supporting and facilitating parent and community involvement and outreach; and

(c) The cultural relevance of the assessments employed to identify barriers to attendance and the treatments and tools provided to children and their families.

(2) By June 30, 2017, a preliminary review shall be completed and preliminary recommendations provided. The review shall be completed, and a report and final recommendations provided, by December 1, 2017.

(3) For the purposes of this section, "cultural competence" includes knowledge of children's cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction and treatment to children's experiences and identifying cultural contexts for individual children.

(4) This section expires July 1, 2018.

NEW SECTION. **Sec. 19.** A new section is added to chapter 2.56 RCW to read as follows:

(1)(a) To accurately track the extent to which courts order youth into a secure detention facility in Washington state for the violation of a court order related to a truancy, at-risk youth, or a child in need of services petition, all

juvenile courts shall transmit youth-level secure detention data to the administrative office of the courts.

(b) Data may either be entered into the statewide management information system for juvenile courts or securely transmitted to the administrative office of the courts at least monthly. Juvenile courts shall provide, at a minimum, the name and date of birth for the youth, the court case number assigned to the petition, the reasons for admission to the juvenile detention facility, the date of admission, the date of exit, and the time the youth spent in secure confinement.

(c) Courts are also encouraged to report individual-level data reflecting whether a detention alternative, such as electronic monitoring, was used, and the time spent in detention alternatives.

(d) The administrative office of the courts and the juvenile court administrators must work to develop uniform data standards for detention.

(2) The administrative office of the courts shall deliver an annual statewide report to the legislature that details the number of Washington youth who are placed into detention facilities during the preceding calendar year. The first report shall be delivered by March 1, 2017, and shall detail the most serious reason for detention and youth gender, race, and ethnicity. The report must have a specific emphasis on youth who are detained for reasons relating to a truancy, at-risk youth, or a child in need of services petition.

NEW SECTION. **Sec. 20.** A new section is added to chapter 28A.225 RCW to read as follows:

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate to community truancy boards grant funds that may be used to supplement existing funds in order to pay for training for board members or the provision of services and treatment to children and their families.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this section. This is a competitive grant process. A prerequisite to applying for either or both grants is a memoranda of understanding, between a school district and a court, to institute a new or maintain an existing community truancy board that meets the requirements of RCW 28A.225.025.

(3) Successful applicants for an award of grant funds to supplement existing funds to pay for the training of community truancy board members must commit to the provision of training to board members regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, research about adverse childhood experiences, evidence-based treatments and culturally appropriate promising practices, as well as the specific academic and community services and treatments available in the school, court, community, and elsewhere. This training may be provided by educational service districts.

(4) Successful applicants for an award of grant funds to supplement existing funds to pay for services and treatments provided to children and their families must commit to the provision of academic services such as tutoring, credit retrieval and school reengagement supports, community services, and evidence-based treatments that have been found to be effective in supporting at-risk youth

and their families, such as functional family therapy, or those that have been shown to be culturally appropriate promising practices.

***NEW SECTION.** Sec. 21. Sections 13 through 15 of this act take effect September 1, 2016.*

Sec. 21 was vetoed. See message at end of chapter.

Passed by the House March 10, 2016.

Passed by the Senate March 9, 2016.

Approved by the Governor April 1, 2016, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 4, 2016.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 1, 13-15, and 21, Second Substitute House Bill No. 2449 entitled:

"AN ACT Relating to court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy."

Section 1 is an intent section that is not necessary for the policy implementation of the bill.

Sections 13-15 and 21 of the bill reduce funding for the state Learning Assistance Program (LAP), which supports academic achievement for low-income students. LAP resources are allocated based on school poverty rates and by law must be focused first on evidence-based instructional strategies to teach elementary school students to read. Before rededicating these funds, we need evidence that prioritizing the reduction of absenteeism over early reading readiness and acquisition is a more effective means to promote academic achievement for low-income students.

For these reasons I have vetoed Sections 1, 13-15, and 21 of Second Substitute House Bill No. 2449.

With the exception of Sections 1, 13-15, and 21, Second Substitute House Bill No. 2449 is approved."

CHAPTER 206

[Senate Bill 5046]

TRAFFIC SAFETY COMMISSION--GOVERNOR'S DESIGNEE--CODIFICATION ERROR

AN ACT Relating to correcting a codification error concerning the governor's designee to the traffic safety commission; reenacting and amending RCW 43.59.030; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The 1982 codification of an amendment to RCW 43.59.030, concerning the designation and authority of the governor's designee to the traffic safety commission, incorrectly omitted two phrases that were included in chapter 30, Laws of 1982, as signed into law by governor John Spellman. Section 2 of this act restores the missing phrases.

Sec. 2. RCW 43.59.030 and 2009 c 549 s 5142 are each reenacted and amended to read as follows:

The governor shall be assisted in his or her duties and responsibilities by the Washington state traffic safety commission. The Washington traffic safety commission shall be composed of the governor as chair, the superintendent of public instruction, the director of licensing, the secretary of transportation, the chief of the state patrol, the secretary of health, the secretary of social and health services, a representative of the association of Washington cities to be appointed by the governor, a member of the association of counties to be appointed by the governor, and a representative of the judiciary to be appointed by the governor. Appointments to any vacancies among appointee members shall be as in the case of original appointment.

The governor may designate an employee of the governor's office familiar with the traffic safety commission to act on behalf of the governor during the absence of the governor at one or more of the meetings of the commission. The vote of the designee shall have the same effect as if cast by the governor if the designation is in writing and is presented to the person presiding at the meetings included within the designation.

The governor may designate a member, other than the governor's designee, to preside during the governor's absence.

Passed by the Senate February 5, 2016.
Passed by the House March 3, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 207

[Engrossed Second Substitute Senate Bill 5109]

LOCAL REVITALIZATION FINANCING PROGRAM--STATE CONTRIBUTION AWARDS

AN ACT Relating to infrastructure financing for local governments; and amending RCW 39.104.020, 39.104.100, 39.104.150, 82.14.510, and 82.32.765.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 39.104.020 and 2010 c 164 s 1 are each amended to read as follows:

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

(1) "Annual state contribution limit" means two million five hundred thousand dollars statewide per fiscal year, plus the additional amounts approved for demonstration projects in RCW 82.14.505.

(2) "Approving agency" means the department of revenue for project awards approved before the effective date of this section, and the department of commerce for project awards approved after the effective date of this section.

(3) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(((~~(3)~~))) (4) "Bond" means a bond, a note or other evidence of indebtedness, including but not limited to a lease-purchase agreement or an executory conditional sales contract.

(((~~(4)~~))) (5) "Department" means the department of revenue.

((~~(5)~~)) (6) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

((~~(6)~~)) (7) "Local government" means any city, town, county, and port district.

((~~(7)~~)) (8) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local revitalization financing.

((~~(8)~~)) (9) "Local revitalization financing" means the use of revenues from local public sources, dedicated to pay the principal and interest on bonds authorized under RCW 39.104.110 and public improvement costs within the revitalization area on a pay-as-you-go basis, and revenues received from the local option sales and use tax authorized in RCW 82.14.510, dedicated to pay the principal and interest on bonds authorized under RCW 39.104.110.

((~~(9)~~)) (10) "Local sales and use tax increment" means the estimated annual increase in local sales and use taxes as determined by the local government in the calendar years following the approval of the revitalization area by the department from taxable activity within the revitalization area.

((~~(10)~~)) (11) "Local sales and use taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030.

((~~(11)~~)) (12) "Ordinance" means any appropriate method of taking legislative action by a local government.

((~~(12)~~)) (13) "Participating local government" means a local government having a revitalization area within its geographic boundaries that has taken action as provided in RCW 39.104.070(1) to allow the use of all or some of its local sales and use tax increment or other revenues from local public sources dedicated for local revitalization financing.

((~~(13)~~)) (14) "Participating taxing district" means a taxing district that:

(a) Has a revitalization area wholly or partially within its geographic boundaries;

(b) Levies or has levied for it regular property taxes as defined in this section; and

(c) Has not taken action as provided in RCW 39.104.060(2).

((~~(14)~~)) (15) "Property tax allocation revenue base value" means the assessed value of real property located within a revitalization area, less the property tax allocation revenue value.

((~~(15)~~)) (16)(a)(i) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revitalization area resulting from:

(A) The placement of new construction, improvements to property, or both, on the assessment roll, where the new construction and improvements are initiated after the revitalization area is approved ((~~by the department~~));

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the revitalization area is approved ((~~by the department~~));

(C) The cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW

84.26.070, and the rehabilitation is initiated after the revitalization area is approved ((~~by the department~~)).

(ii) Increases in the assessed value of real property in a revitalization area resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) "Property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.

(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revitalization area has not increased as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when the cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

((~~(16)~~)) (17) "Public improvement costs" means the costs of:

(a) Design, planning, acquisition, including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements;

(b) Demolishing, relocating, maintaining, and operating property pending construction of public improvements;

(c) Relocating utilities as a result of public improvements;

(d) Financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; and

(e) Administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local revitalization financing to fund the costs of the public improvements.

((~~(17)~~)) (18) "Public improvements" means:

(a) Infrastructure improvements within the revitalization area that include:

(i) Street, road, bridge, and rail construction and maintenance;

(ii) Water and sewer system construction and improvements;

(iii) Sidewalks, streetlights, landscaping, and streetscaping;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities, recreational areas, and environmental remediation;

(vii) Storm water and drainage management systems;

(viii) Electric, gas, fiber, and other utility infrastructures; and

(b) Expenditures for any of the following purposes:

(i) Providing environmental analysis, professional management, planning, and promotion within the revitalization area, including the management and promotion of retail trade activities in the revitalization area;

(ii) Providing maintenance and security for common or public areas in the revitalization area; or

(iii) Historic preservation activities authorized under RCW 35.21.395.

((~~(18)~~)) (19) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

((~~(19)~~)) (20)(a) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (i) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (ii) regular property taxes levied by the state for the support of common schools under RCW 84.52.065; and (iii) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose.

(b) "Regular property taxes" do not include:

(i) Excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043; and

(ii) Property taxes that are specifically excluded through an interlocal agreement between the sponsoring local government and a participating taxing district as set forth in RCW 39.104.060(3).

((~~(20)~~)) (21)(a) "Revenues from local public sources" means:

(i) The local sales and use tax amounts received as a result of interlocal agreement, local sales and use tax amounts from sponsoring local governments based on its local sales and use tax increment, and local property tax allocation revenues, which are dedicated by a sponsoring local government, participating local governments, and participating taxing districts, for payment of bonds under RCW 39.104.110 or public improvement costs within the revitalization area on a pay-as-you-go basis; and

(ii) Any other local revenues, except as provided in (b) of this subsection, including revenues derived from federal and private sources and amounts received by taxing districts as set forth by an interlocal agreement as described in RCW 39.104.060(4), which are dedicated for the payment of bonds under RCW 39.104.110 or public improvement costs within the revitalization area on a pay-as-you-go basis.

(b) Revenues from local public sources do not include any local funds derived from state grants, state loans, or any other state moneys including any local sales and use taxes credited against the state sales and use taxes imposed under chapter 82.08 or 82.12 RCW.

((~~(21)~~)) (22) "Revitalization area" means the geographic area adopted by a sponsoring local government and approved by the ((~~department~~)) approving

agency, from which local sales and use tax increments are estimated and property tax allocation revenues are derived for local revitalization financing.

((~~(22)~~)) (23) "Sponsoring local government" means a city, town, county, or any combination thereof, that adopts a revitalization area.

((~~(23)~~)) (24) "State contribution" means the lesser of:

(a) Five hundred thousand dollars;

(b) The project award amount approved by the ((~~department~~)) approving agency as provided in RCW 39.104.100 or 82.14.505; or

(c) The total amount of revenues from local public sources dedicated in the preceding calendar year to the payment of principal and interest on bonds issued under RCW 39.104.110 and public improvement costs within the revitalization area on a pay-as-you-go basis. Revenues from local public sources dedicated in the preceding calendar year that are in excess of the project award may be carried forward and used in later years for the purpose of this subsection ((~~(23)~~)) (24)(c).

((~~(24)~~)) (25) "State property tax increment" means the estimated amount of annual tax revenues estimated to be received by the state from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value, as determined by the sponsoring local government in an application under RCW 39.104.100 and updated periodically as required in RCW 82.32.765.

((~~(25)~~)) (26) "State sales and use tax increment" means the estimated amount of annual increase in state sales and use taxes to be received by the state from taxable activity within the revitalization area in the years following the approval of the revitalization area ((~~by the department~~)) as determined by the sponsoring local government in an application under RCW 39.104.100 and updated periodically as required in RCW 82.32.765.

((~~(26)~~)) (27) "State sales and use taxes" means state retail sales and use taxes under RCW 82.08.020(1) and 82.12.020 at the rate provided in RCW 82.08.020(1), less the amount of tax distributions from all local retail sales and use taxes, other than the local sales and use taxes authorized by RCW 82.14.510 for the applicable revitalization area, imposed on the same taxable events that are credited against the state retail sales and use taxes under RCW 82.08.020(1) and 82.12.020.

((~~(27)~~)) (28) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revitalization area.

Sec. 2. RCW 39.104.100 and 2010 c 164 s 6 are each amended to read as follows:

(1) Prior to applying ((~~to the department~~)) to receive a state contribution, a sponsoring local government ((~~shall~~)) must adopt a revitalization area within the limitations in RCW 39.104.050 and in accordance with RCW 39.104.040.

(2)(a) As a condition to imposing a sales and use tax under RCW 82.14.510, a sponsoring local government must apply ((~~to the department~~)) and be approved for a project award amount. The application must be in a form and manner prescribed by the ((~~department~~)) approving agency and include, but not be limited to:

(i) Information establishing that over the period of time that the local sales and use tax will be imposed under RCW 82.14.510, increases in state and local

property, sales, and use tax revenues as a result of public improvements in the revitalization area will be equal to or greater than the respective state and local contributions made under this chapter;

(ii) Information demonstrating that the sponsoring local government will meet the requirements necessary to receive the full amount of state contribution it is requesting on an annual basis;

(iii) The amount of state contribution it is requesting;

(iv) The anticipated effective date for imposing the tax under RCW 82.14.510;

(v) The estimated number of years that the tax will be imposed;

(vi) The anticipated rate of tax to be imposed under RCW 82.14.510, subject to the rate-setting conditions in RCW 82.14.510(3), should the sponsoring local government be approved for a project award; and

(vii) The anticipated date when bonds under RCW 39.104.110 will be issued.

(b) The ((~~department~~)) approving agency must make available electronic forms to be used for this purpose. As part of the application, each applicant must provide to the department a copy of the adopted ordinance creating the revitalization area as required in RCW 39.104.040, copies of any adopted interlocal agreements from participating local governments, and any notices from taxing districts that elect not to be a participating taxing district.

(3)(a) Project awards must be determined on:

(i) ((~~A first-come basis for applications completed in their entirety and submitted electronically;~~

~~(ii)~~)) The availability of a state contribution;

(((~~(iii)~~))) (ii) Whether the sponsoring local government would be able to generate enough tax revenue under RCW 82.14.510 to generate the amount of project award requested;

(iii) The number of jobs created;

(iv) The fit of the expected business creation or expansion within the region's preferred economic growth strategy;

(v) The speed with which the project can begin construction; and

(vi) The extent to which the project leverages nonstate funds.

(b) The total of all project awards may not exceed the annual state contribution limit.

(c) If the level of available state contribution is less than the amount requested by the next available applicant, the applicant must be given the first opportunity to accept the lesser amount of state contribution but only if the applicant produces a new application within sixty days of being notified by the ((~~department~~)) approving agency and the application describes the impact on the proposed project as a result of the lesser award in addition to new application information outlined in subsection (2) of this section.

(d) Applications that are not approved for a project award due to lack of available state contribution must be retained on file by the ((~~department in order of the date of their receipt~~)) approving agency.

(e)(i) Except as provided in (e)(ii) of this subsection, once total project awards reach the amount of annual state contribution limit, no more applications will be accepted.

(ii) Any city or county that has been approved for a project award by the department prior to January 1, 2011, and has not imposed a sales and use tax under RCW 82.14.510 by December 31, 2016, must forfeit their project award. However, amounts will not be forfeited if a city or county has sent the department a letter indicating its intent to impose the sales and use tax by July 1, 2022, before July 1, 2016. Amounts forfeited under this section must be made available for new applications under subsection (5) of this section.

(f) If the annual contribution limit is increased by making additional funds available for applicants ((~~that apply on a first-come basis~~)) or if funds become available from project awards forfeited under (e)(ii) of this subsection, applications will be accepted again ((~~beginning sixty days after the effective date of the increase. However, in the time period before any new applications are accepted, all sponsoring local governments with a complete application already on file with the department must be provided an opportunity to either withdraw their application or update the information in the application. The updated application must be for a project that is substantially the same as the project in the original application. The department must consider these applications, in the order originally submitted, for project awards prior to considering any new applications~~)) as described in subsection (5) of this section.

(4) The ((~~department~~)) approving agency must notify the sponsoring local government of approval or denial of a project award within sixty days of the ((~~department's~~)) approving agency's receipt of the sponsoring local government's application. Determination of a project award by the ((~~department~~)) approving agency is final. Notification must include the earliest date when the tax authorized under RCW 82.14.510 may be imposed, subject to conditions in chapter 82.14 RCW. The project award notification must specify the rate requested in the application and any adjustments to the rate that would need to be made based on the project award and rate restrictions in RCW 82.14.510. The department of commerce must consult with the department of revenue in determining the amount of a project award.

(5) ((~~The department must begin accepting applications on September 1, 2009.~~)) The department of commerce must begin accepting applications and approving project awards under this section on and after the effective date of this section. The department of commerce must notify the department of all approved project awards under this section. The department of commerce must also provide to the department any information necessary to implement the tax authorized under RCW 82.14.510.

Sec. 3. RCW 39.104.150 and 2009 c 270 s 804 are each amended to read as follows:

The department of revenue and the department of commerce may adopt any rules under chapter 34.05 RCW ((~~it considers~~)) that the departments consider necessary for the administration of this chapter.

Sec. 4. RCW 82.14.510 and 2015 c 112 s 1 are each amended to read as follows:

(1) Any city or county that has been approved for a project award under RCW 39.104.100 may impose a sales and use tax under the authority of this section in accordance with the terms of this chapter. Except as provided in this section, the tax is in addition to other taxes authorized by law and must be

collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the city or county.

(2) The tax authorized under subsection (1) of this section is credited against the state taxes imposed under RCW 82.08.020(1) and 82.12.020 at the rate provided in RCW 82.08.020(1). The department must perform the collection of such taxes on behalf of the city or county at no cost to the city or county. The taxes must be distributed to cities and counties as provided in RCW 82.14.060.

(3) The rate of tax imposed by a city or county may not exceed the lesser of:

(a) The rate provided in RCW 82.08.020(1), less:

(i) The aggregate rates of all other local sales and use taxes imposed by any taxing authority on the same taxable events;

(ii) The aggregate rates of all taxes under RCW 82.14.465 and 82.14.475 and this section that are authorized but have not yet been imposed on the same taxable events by a city or county that has been approved to receive a state contribution by the department, the department of commerce, or the community economic revitalization board under chapter 39.104, 39.100, or 39.102 RCW; and

(iii) The percentage amount of distributions required under RCW 82.08.020(5) multiplied by the rate of state taxes imposed under RCW 82.08.020(1); and

(b) The rate, as determined by the city or county in consultation with the department, reasonably necessary to receive the project award under RCW 39.104.100 over ten months.

(4) The department, upon request, must assist a city or county in establishing its tax rate in accordance with subsection (3) of this section. Once the rate of tax is selected through the application process and approved under RCW 39.104.100, it may not be increased.

(5)(a) Except as provided in (c) and (d) of this subsection, no tax may be imposed under the authority of this section before:

(i) July 1, 2011;

(ii) July 1st of the second calendar year following the year in which the ((~~department approved the application made~~)) application was approved under RCW 39.104.100;

(iii) The state sales and use tax increment and state property tax increment for the preceding calendar year equal or exceed the amount of the project award approved ((~~by the department~~)) under RCW 39.104.100; and

(iv) Bonds have been issued according to RCW 39.104.110.

(b) The tax imposed under this section expires the earlier of the date that the bonds issued under the authority of RCW 39.104.110 are retired or twenty-five years after the tax is first imposed.

(c) For a demonstration project described in RCW 82.14.505(1)(a) except as provided in (d) of this subsection (5), no tax may be imposed under the authority of this section before:

(i) July 1, 2010; and

(ii) Bonds have been issued according to RCW 39.104.110.

(d) The requirement to issue bonds in (a)(iv) or (c)(ii) of this subsection (5) does not apply to demonstration projects authorized by RCW

82.14.505(1)(a)(iii), or any city receiving a project award under RCW 39.104.100 of less than one hundred fifty thousand dollars.

(6) An ordinance or resolution adopted by the legislative authority of the city or county imposing a tax under this section must provide that:

(a) The tax will first be imposed on the first day of a fiscal year;

(b) The cumulative amount of tax received by the city or county, in any fiscal year, may not exceed the amount approved by the department under subsection (10) of this section;

(c) The department must cease distributing the tax for the remainder of any fiscal year in which either:

(i) The amount of tax received by the city or county equals the amount of distributions approved by the department for the fiscal year under subsection (10) of this section; or

(ii) The amount of revenue distributed to all sponsoring and cosponsoring local governments from taxes imposed under this section equals the annual state contribution limit;

(d) The tax will be distributed again, should it cease to be distributed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

(e) The state is entitled to any revenue generated by the tax in excess of the amounts specified in (c) of this subsection.

(7) If a city or county receives approval for more than one revitalization area within its jurisdiction, the city or county may impose a sales and use tax under this section for each revitalization area.

(8) The department must determine the amount of tax receipts distributed to each city and county imposing a sales and use tax under the authority of this section and must advise a city or county when tax distributions for the fiscal year equal the amount determined by the department in subsection (10) of this section. Determinations by the department of the amount of tax distributions attributable to a city or county are not appealable. The department must remit any tax receipts in excess of the amounts specified in subsection (6)(c) of this section to the state treasurer who must deposit the money in the general fund.

(9) If a city or county fails to comply with RCW 82.32.765, no tax may be distributed in the subsequent fiscal year until such time as the city or county complies and the department calculates the state contribution amount according to subsection (10) of this section for the fiscal year.

(10)(a) For each fiscal year that a city or county imposes the tax under the authority of this section, the department must approve the amount of taxes that may be distributed to the city or county. The amount approved by the department under this subsection is the lesser of:

(i) The state contribution;

(ii) The amount of project award granted ((~~by the department~~)) as provided in RCW 39.104.100; or

(iii) The total amount of revenues from local public sources dedicated or, in the case of carry forward revenues, deemed dedicated in the preceding calendar year, as reported in the required annual report under RCW 82.32.765.

(b) A city or county may not receive, in any fiscal year, more revenues from taxes imposed under the authority of this section than the amount approved annually by the department.

(11) The amount of tax distributions received from taxes imposed under the authority of this section by all cities and counties is limited annually to not more than the amount of annual state contribution limit.

(12) The definitions in RCW 39.104.020 apply to this section subject to subsection (13) of this section and unless the context clearly requires otherwise.

(13) For purposes of this section, the following definitions apply:

(a) "Local sales and use taxes" means sales and use taxes imposed by cities, counties, public facilities districts, and other local governments under the authority of this chapter ((~~or~~)), chapter 67.28 RCW, or any other chapter, and that are credited against the state sales and use taxes.

(b) "State sales and use taxes" means the taxes imposed in RCW 82.08.020(1) and 82.12.020.

Sec. 5. RCW 82.32.765 and 2010 c 164 s 10 are each amended to read as follows:

(1) A sponsoring local government receiving a project award under RCW 39.104.100 must provide a report to the department by March 1st of each year beginning March 1st after the project award has been approved. The report must contain the following information:

(a) The amounts of local property tax allocation revenues received in the preceding calendar year broken down by sponsoring local government and participating taxing district;

(b) The amount of state property tax allocation revenues estimated to have been received by the state in the preceding calendar year;

(c) The amount of local sales and use tax and other revenue from local public sources dedicated by any participating local government used for the payment of bonds under RCW 39.104.110 and public improvement costs within the revitalization area on a pay-as-you-go basis in the preceding calendar year;

(d) The amount of local sales and use tax dedicated by the sponsoring local government, as it relates to the sponsoring local government's local sales and use tax increment, used for the payment of bonds under RCW 39.104.110 and public improvement costs within the revitalization area on a pay-as-you-go basis;

(e) The amounts, other than those listed in (a) through (d) of this subsection, from local public sources, broken down by type or source, used for payment of bonds under RCW 39.104.110 or public improvement costs within the revitalization area on a pay-as-you-go basis in the preceding calendar year;

(f) The anticipated date when bonds under RCW 39.104.110 are expected to be retired;

(g) The names of any businesses locating within the revitalization area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local revitalization financing;

(h) An estimate of the cumulative number of permanent jobs created in the revitalization area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local revitalization financing;

(i) An estimate of the average wages and benefits received by all employees of businesses locating within the revitalization area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local revitalization financing;

(j) A list of public improvements financed by bonds issued under RCW 39.104.110 and the date on which the bonds are anticipated to be retired;

(k) That the sponsoring local government is in compliance with RCW 39.104.030;

(l) At least once every three years, updated estimates of the amounts of state and local sales and use tax increments estimated to have been received since the approval ((~~by the department~~)) of the project award under RCW 39.104.100;

(m) The amount of revenues from local public sources that (i) were expended in prior years for the payment of bonds under RCW 39.104.110 and public improvement costs within the revitalization area on a pay-as-you-go basis in prior calendar years that were in excess of the project award amount for that year and are carried forward for dedication in future years, (ii) are deemed dedicated to payment of bonds or public improvement costs in the calendar year for which the report is prepared, and (iii) remain available for dedication in future years; and

(n) Any other information required by the department to enable the department to fulfill its duties under this chapter and RCW 82.14.510.

(2) The department must make a report available to the public and the legislature by June 1st of each year. The report must include a summary of the information provided to the department by sponsoring local governments under subsection (1) of this section.

Passed by the Senate March 8, 2016.
Passed by the House March 4, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 208

[Senate Bill 5270]

ADVIOSRY BOARD ON MISSING AND EXPLOITED CHILDREN--ELIMINATION

AN ACT Relating to sunsetting a nonoperating advisory board reporting to the state patrol; amending RCW 13.60.110; creating a new section; and repealing RCW 13.60.120.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds that the advisory board on missing and exploited children has successfully achieved seamless communication and coordinated efforts between Washington state agencies investigating child exploitation cases under the oversight of the Washington state patrol, thereby fully satisfying the purposes and goals of the advisory board as established in 1999 under RCW 13.60.120. The legislature therefore intends to ensure the multiagency task force on missing and exploited children continues to operate under the oversight of the Washington state patrol and continue to successfully identify and arrest individuals who exploit children.

Sec. 2. RCW 13.60.110 and 2009 c 518 s 4 are each amended to read as follows:

(1) A task force on missing and exploited children is established in the Washington state patrol. The task force shall be under the direction of the chief of the state patrol.

(2) The task force is authorized to assist law enforcement agencies, upon request, in cases involving missing or exploited children by:

(a) Direct assistance and case management;

(b) Technical assistance;

(c) Personnel training;

(d) Referral for assistance from local, state, national, and international agencies; and

(e) Coordination and information sharing among local, state, interstate, and federal law enforcement and social service agencies.

(3) To maximize the efficiency and effectiveness of state resources and to improve interagency cooperation, the task force shall, where feasible, use existing facilities, systems, and staff made available by the state patrol and other local, state, interstate, and federal law enforcement and social service agencies. The chief of the state patrol may employ such additional personnel as are necessary for the work of the task force and may share personnel costs with other agencies.

(4) The chief of the state patrol shall seek public and private grants and gifts to support the work of the task force.

(5) For the purposes of ((~~RCW 13.60.100 through 13.60.120~~))this chapter, "exploited children" means children under the age of eighteen who are employed, used, persuaded, induced, enticed, or coerced to engage in, or assist another person to engage in, sexually explicit conduct. "Exploited children" also means the rape, molestation, or use for prostitution of children under the age of eighteen.

NEW SECTION. **Sec. 3.** RCW 13.60.120 (Task force on missing and exploited children—Advisory board) and 1999 c 168 s 3 are each repealed.

Passed by the Senate February 11, 2016.

Passed by the House March 4, 2016.

Approved by the Governor April 1, 2016.

Filed in Office of Secretary of State April 4, 2016.

CHAPTER 209

[Engrossed Substitute Senate Bill 5635]

UNIFORM POWER OF ATTORNEY ACT

AN ACT Relating to the uniform power of attorney act; amending RCW 11.88.080, 11.86.021, 11.88.010, 11.103.030, 30A.22.170, 70.122.130, 71.32.020, 71.32.050, 71.32.060, 71.32.100, 71.32.180, 71.32.200, and 71.32.260; adding a new chapter to Title 11 RCW; repealing RCW 11.94.010, 11.94.020, 11.94.030, 11.94.040, 11.94.043, 11.94.046, 11.94.050, 11.94.060, 11.94.070, 11.94.080, 11.94.090, 11.94.100, 11.94.110, 11.94.120, 11.94.130, 11.94.140, 11.94.150, 11.94.900, and 11.94.901; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

PART I

NEW SECTION. **Sec. 101.** This act may be known and cited as the uniform power of attorney act.

NEW SECTION. **Sec. 102.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agent" means a person granted authority to act for a principal under a power of attorney, whether denominated an agent, attorney-in-fact, or otherwise. The term includes an original agent, coagent, successor agent, and a person to which an agent's authority is delegated.

(2) "Durable," with respect to a power of attorney, means not terminated by the principal's incapacity.

(3) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(4) "Good faith" means honesty in fact.

(5) "Incapacity" means inability of an individual to manage property, business, personal, or health care affairs because the individual:

(a) Has an impairment in the ability to receive and evaluate information or make or communicate decisions even with the use of technological assistance; or

(b) Is:

(i) An absentee, as defined in chapter 11.80 RCW; or

(ii) Outside the United States and unable to return.

(6) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(7) "Power of attorney" means a writing that uses the term "power of attorney" and grants authority to an agent to act in the place of the principal.

(8) "Presently exercisable general power of appointment," with respect to property or a property interest subject to a power of appointment, means power exercisable at the time in question to vest absolute ownership in the principal individually, the principal's estate, the principal's creditors, or the creditors of the principal's estate. The term includes a power of appointment not exercisable until the occurrence of a specified event, the satisfaction of an ascertainable standard, or the passage of a specified period only after the occurrence of the specified event, the satisfaction of the ascertainable standard, or the passage of the specified period. The term does not include a power exercisable in a fiduciary capacity or only by will.

(9) "Principal" means an individual who grants authority to an agent in a power of attorney.

(10) "Property" means anything that may be the subject of ownership, whether real or personal, legal or equitable, tangible or intangible, or any interest or right therein.

(11) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(12) "Stocks, bonds, and financial instruments" means stocks, bonds, mutual funds, and all other types of securities and financial instruments, whether held directly, indirectly, or in any other manner. The term shall also include but not be limited to commodity futures contracts, call or put options on stocks or stock indexes, derivatives, and margin accounts.

NEW SECTION. **Sec. 103.** (1) This chapter applies to all powers of attorney except:

(a) A power to the extent it is coupled with an interest in the subject of the power, including a power given to or for the benefit of a creditor in connection with a credit transaction;

(b) A proxy or other delegation to exercise voting rights or management rights with respect to an entity; and

(c) A power created on a form prescribed by a government or governmental subdivision, agency, or instrumentality for a governmental purpose.

(2) Notwithstanding subsection (1) of this section, section 117 of this act shall not apply to a power to make health care decisions under sections 217 and 218 of this act, nor shall it apply to the power to nominate a guardian for a minor child under section 218 of this act.

NEW SECTION. **Sec. 104.** The authority conferred under a power of attorney created prior to the effective date of this section, and also for a power of attorney created on or after the effective date of this section, terminates upon the incapacity of the principal unless the writing contains the words "This power of attorney shall not be affected by disability of the principal," or "This power of attorney shall become effective upon the disability of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal's incapacity.

NEW SECTION. **Sec. 105.** (1) A power of attorney must be signed and dated by the principal, and the signature must be either acknowledged before a notary public or other individual authorized by law to take acknowledgments, or attested by two or more competent witnesses who are neither home care providers for the principal nor care providers at an adult family home or long-term care facility in which the principal resides, and who are unrelated to the principal or agent by blood, marriage, or state registered domestic partnership, by subscribing their names to the power of attorney, while in the presence of the principal and at the principal's direction or request.

(2) A power of attorney shall be considered signed in accordance with this section if, in the case of a principal who is physically unable to sign his or her name, the principal makes a mark in accordance with RCW 11.12.030, or in the case of a principal who is physically unable to make a mark, the power of attorney is executed in accordance with RCW 64.08.100.

(3) A signature on a power of attorney is presumed to be genuine if the principal acknowledges the signature before a notary public or other individual authorized by law to take acknowledgments.

NEW SECTION. **Sec. 106.** (1) A power of attorney executed in this state on or after the effective date of this section is valid if its execution complies with section 105 of this act.

(2) A power of attorney executed in this state before the effective date of this section is valid if its execution complied with the law of this state as it existed at the time of execution.

(3) A power of attorney executed other than in this state is valid in this state if, when the power of attorney was executed, the execution complied with:

(a) The law of the jurisdiction that determines the meaning and effect of the power of attorney pursuant to section 107 of this act; or

(b) The requirements for a military power of attorney pursuant to 10 U.S.C. Sec. 1044b, as amended.

(4) Except as otherwise provided by statute other than this act, a photocopy or electronically transmitted copy of an original power of attorney has the same effect as the original.

NEW SECTION. **Sec. 107.** The meaning and effect of a power of attorney is determined by the law of the jurisdiction indicated in the power of attorney and, in the absence of an indication of jurisdiction, by the law of the jurisdiction in which the power of attorney was executed.

NEW SECTION. **Sec. 108.** (1) In a power of attorney, a principal may nominate a guardian of the principal's estate or guardian of the principal's person for consideration by the court if protective proceedings for the principal's estate or person are begun after the principal executes the power of attorney. Except for good cause shown or disqualification, the court shall make its appointment in accordance with the principal's most recent nomination.

(2) If, after a principal executes a power of attorney, a court appoints a guardian of the principal's estate or other fiduciary charged with the management of all of the principal's property, the power of attorney is terminated and the agent's authority does not continue unless continued by the court.

(3) If, after a principal executes a power of attorney, a court appoints a guardian of the principal's estate or other fiduciary charged with the management of some but not all of the principal's property, the power of attorney shall not terminate or be modified, except to the extent ordered by the court.

NEW SECTION. **Sec. 109.** (1) A power of attorney is effective when executed unless the principal provides in the power of attorney that it becomes effective at a future date or upon the occurrence of a future event or contingency.

(2) If a power of attorney becomes effective upon the occurrence of a future event or contingency, the principal, in the power of attorney, may authorize one or more persons to determine in a writing that the event or contingency has occurred.

(3) If a power of attorney becomes effective upon the principal's incapacity and the principal has not authorized a person to determine whether the principal is incapacitated, or the person authorized is unable or unwilling to make the determination, the power of attorney becomes effective upon a determination in a writing by:

(a) A physician or licensed psychologist, unrelated to the principal or agent by blood or marriage, who has personally examined the principal, that the principal is incapacitated within the meaning of section 102(5)(a) of this act; or

(b) A judge or an appropriate governmental official that the principal is incapacitated within the meaning of section 102(5)(b) of this act.

(4) A person authorized by the principal in the power of attorney to determine that the principal is incapacitated may act as the principal's personal representative pursuant to the health insurance portability and accountability act, sections 1171 through 1179 of the social security act, 42 U.S.C. Sec. 1320d, as amended, and applicable regulations, to obtain access to the principal's health care information and communicate with the principal's health care provider.

NEW SECTION. **Sec. 110.** (1) A power of attorney terminates when:

(a) The principal dies;

(b) The principal becomes incapacitated, if the power of attorney is not durable;

(c) The principal revokes the power of attorney;

(d) The power of attorney provides that it terminates;

(e) The purpose of the power of attorney is accomplished; or

(f) The principal revokes the agent's authority or the agent dies, becomes incapacitated, or resigns, and the power of attorney does not provide for another agent to act under the power of attorney.

(2) An agent's authority terminates when:

(a) The principal revokes the authority;

(b) The agent dies, becomes incapacitated, or resigns;

(c) An action is filed for the dissolution or annulment of the agent's marriage to the principal or for their legal separation, or an action is filed for dissolution or annulment of the agent's state registered domestic partnership with the principal or for their legal separation, unless the power of attorney otherwise provides; or

(d) The power of attorney terminates.

(3) An agent's authority which has been terminated under subsection (2)(c) of this section shall be reinstated effective immediately in the event that such action is dismissed with the consent of both parties or the petition for dissolution, annulment, or legal separation is withdrawn.

(4) Unless the power of attorney otherwise provides, an agent's authority is exercisable until the authority terminates under subsection (2) of this section, notwithstanding a lapse of time since the execution of the power of attorney.

(5) Termination of an agent's authority or of a power of attorney is not effective as to the agent or another person that, without actual knowledge of the termination, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

(6) Incapacity of the principal of a power of attorney that is not durable does not revoke or terminate the power of attorney as to an agent or other person that, without actual knowledge of the incapacity, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

(7) The execution of a power of attorney does not revoke a power of attorney previously executed by the principal unless the subsequent power of attorney provides that the previous power of attorney is revoked or that all other powers of attorney are revoked.

NEW SECTION. **Sec. 111.** (1) A principal may designate in a power of attorney two or more persons to act as coagents. Unless the power of attorney otherwise provides, all coagents must exercise their authority jointly; provided, however, a coagent may delegate that coagent's authority to another coagent.

(2) A principal may designate one or more successor agents to act if an agent resigns, dies, becomes incapacitated, is not qualified to serve, or declines to serve. A principal may grant authority to designate one or more successor agents to an agent or other person designated by name, office, or function. Unless the power of attorney otherwise provides, a successor agent:

(a) Has the same authority as that granted to the original agent; and

(b) May not act until all predecessor agents have resigned, died, become incapacitated, are no longer qualified to serve, or have declined to serve.

(3) Except as otherwise provided in the power of attorney and subsection (4) of this section, an agent that does not participate in or conceal a breach of

fiduciary duty committed by another agent, including a predecessor agent, is not liable for the actions of the other agent.

(4) An agent that has actual knowledge of a breach or imminent breach of fiduciary duty by another agent shall notify the principal and, if the principal is incapacitated, take any action reasonably appropriate in the circumstances to safeguard the principal's best interest. An agent that fails to notify the principal or take action as required by this subsection is liable for the reasonably foreseeable damages that could have been avoided if the agent had notified the principal or taken such action.

NEW SECTION. **Sec. 112.** Unless the power of attorney otherwise provides, an agent is entitled to reimbursement of expenses reasonably incurred on behalf of the principal and to reasonable compensation.

NEW SECTION. **Sec. 113.** Except as otherwise provided in the power of attorney, a person accepts appointment as an agent under a power of attorney by exercising authority or performing duties as an agent or by any other assertion or conduct indicating acceptance.

NEW SECTION. **Sec. 114.** (1) Notwithstanding provisions in the power of attorney, an agent that has accepted appointment shall:

(a) Act in accordance with the principal's reasonable expectations to the extent actually known by the agent and, otherwise, in the principal's best interest;

(b) Act in good faith; and

(c) Act only within the scope of authority granted in the power of attorney.

(2) Except as otherwise provided in the power of attorney, an agent that has accepted appointment shall:

(a) Act loyally for the principal's benefit;

(b) Act so as not to create a conflict of interest that impairs the agent's ability to act impartially in the principal's best interest;

(c) Act with the care, competence, and diligence ordinarily exercised by agents in similar circumstances;

(d) Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;

(e) Cooperate with a person that has authority to make health care decisions for the principal to carry out the principal's reasonable expectations to the extent actually known by the agent and, otherwise, act in the principal's best interest; and

(f) Attempt to preserve the principal's estate plan, to the extent actually known by the agent, if preserving the plan is consistent with the principal's best interest based on all relevant factors, including:

(i) The value and nature of the principal's property;

(ii) The principal's foreseeable obligations and need for maintenance;

(iii) Minimization of taxes, including income, estate, inheritance, generation-skipping transfer, and gift taxes; and

(iv) Eligibility for a benefit, a program, or assistance under a statute or rule.

(3) An agent that acts in good faith is not liable to any beneficiary of the principal's estate plan for failure to preserve the plan.

(4) An agent that acts with care, competence, and diligence for the best interest of the principal is not liable solely because the agent also benefits from

the act or has an individual or conflicting interest in relation to the property or affairs of the principal.

(5) If an agent is selected by the principal because of special skills or expertise possessed by the agent or in reliance on the agent's representation that the agent has special skills or expertise, the special skills or expertise must be considered in determining whether the agent has acted with care, competence, and diligence under the circumstances.

(6) Absent a breach of duty to the principal, an agent is not liable if the value of the principal's property declines.

(7) An agent that engages another person on behalf of the principal is not liable for an act, error of judgment, or default of that person if the agent exercises care, competence, and diligence in selecting and monitoring the person, provided however that the agent shall not be relieved of liability for such person's discretionary acts, that, if done by the agent, would result in liability to the agent.

(8) Unless section 111(1) of this act applies, an agent may only delegate authority to another person if expressly authorized to do so in the power of attorney and may delegate some, but not all, of the authority granted by the principal. An agent that exercises authority to delegate to another person the authority granted by the principal is not liable for an act, error of judgment, or default of that person if the agent exercises care, competence, and diligence in selecting and monitoring the person, provided however that the agent shall not be relieved of liability for such person's discretionary acts, that, if done by the agent, would result in liability to the agent.

(9) Except as otherwise provided in the power of attorney, an agent is not required to disclose receipts, disbursements, or transactions conducted on behalf of the principal unless ordered by a court or requested in writing by the principal, a guardian, a conservator, another fiduciary acting for the principal, a governmental agency having authority to protect the welfare of the principal, or, upon the death of the principal, by the personal representative or successor in interest of the principal's estate. Such request by a guardian, conservator, or another fiduciary acting for the principal must be limited to information reasonably related to that guardian, conservator, or fiduciary's duties. If so requested, within thirty days the agent shall comply with the request or provide a writing or other record substantiating why additional time is needed and shall comply with the request within an additional thirty days.

NEW SECTION. **Sec. 115.** A provision in a power of attorney relieving an agent of liability for breach of duty is binding on the principal and the principal's successors in interest except to the extent the provision:

(1) Relieves the agent of liability for breach of duty committed dishonestly, with an improper motive, or with gross negligence to the purposes of the power of attorney or the best interest of the principal; or

(2) Was inserted as a result of an abuse of a confidential or fiduciary relationship with the principal.

NEW SECTION. **Sec. 116.** (1) Except as otherwise provided in the power of attorney, the following persons may bring a petition described in subsection (2) of this section:

(a) The principal or the agent;

(b) The spouse or state registered domestic partner of the principal;

(c) The guardian of the estate or person of the principal;

(d) Any other interested person, as long as the person demonstrates to the court's satisfaction that the person is interested in the welfare of the principal and has a good faith belief that the court's intervention is necessary, and that the principal is incapacitated at the time of filing the petition or otherwise unable to protect his or her own interests; and

(e) A person asked to accept the power of attorney.

(2) A person designated in subsection (1) of this section may file a petition requesting the court to construe a power of attorney or grant any other appropriate relief, including but not limited to:

(a) Determination of whether the power of attorney is in effect or has terminated;

(b) Compelling the agent to submit the agent's accounts or report the agent's acts as agent to the principal, the spouse or state registered domestic partner of the principal, the guardian of the person or the estate of the principal, or to any other person required by the court in its discretion, if the agent has not timely complied with a request under section 114(9) of this act. However, a government agency having authority to protect the welfare of the principal may file a petition upon the agent's refusal or failure to submit an accounting upon written request and shall not be required to wait sixty days;

(c) Ratification of past acts or approval of proposed acts of the agent;

(d) Issuance of an order directing the agent to exercise or refrain from exercising authority in a power of attorney in a particular manner or for a particular purpose;

(e) Modification of the authority of an agent under a power of attorney;

(f) Removal of the agent on a determination by the court of both of the following:

(i) Determination that the agent has violated or is unfit to perform the fiduciary duties under the power of attorney; and

(ii) Determination that the removal of the agent is in the best interest of the principal;

(g) Approval of the resignation of the agent and approval of the final accountings of the resigning agent if submitted, subject to any orders the court determines are necessary to protect the principal's interests;

(h) Confirmation of the authority of a successor agent to act under a power of attorney upon removal or resignation of the previous agent;

(i) Compelling a third person to honor the authority of an agent, provided that a third person may not be compelled to honor the agent's authority if the principal could not compel the third person to act in the same circumstances;

(j) Order the agent to furnish a bond in an amount the court determines to be appropriate.

(3) Any action commenced under this section shall be subject to the notice requirements of chapter 11.96A RCW.

(4) Upon motion by the principal, the court shall dismiss a petition filed under this section, unless the court finds that the principal lacks capacity to revoke the agent's authority or the power of attorney.

(5) Except as otherwise provided in section 120(3)(b) of this act, any action commenced under this section shall be subject to the provisions of RCW 11.96A.150.

NEW SECTION. **Sec. 117.** An agent that violates this chapter is liable to the principal or the principal's successors in interest for the amount required to restore the value of the principal's property to what it would have been had the violation not occurred.

NEW SECTION. **Sec. 118.** Unless the power of attorney has been terminated in accordance with section 108 of this act, or the power of attorney provides a different method for an agent's resignation, an agent may resign by giving notice to the principal and, if the principal is incapacitated:

(1) To the conservator or guardian, if one has been appointed for the principal, and a coagent or successor agent, if designated; or

(2) If there is no person described in subsection (1) of this section:

(a) To any person reasonably believed by the agent to have sufficient interest in the principal's welfare;

(b) To a governmental agency having authority to protect the welfare of the principal; or

(c) By filing notice with the county recorder's office in the county where the principal resides.

NEW SECTION. **Sec. 119.** (1) For purposes of this section and section 120 of this act, "acknowledged" means purportedly verified before a notary public or other individual authorized to take acknowledgments.

(2) A person that in good faith accepts an acknowledged power of attorney without actual knowledge that the signature is not genuine may rely upon the presumption under section 105 of this act that the signature is genuine.

(3) A person that in good faith accepts an acknowledged power of attorney without actual knowledge that the power of attorney is void, invalid, or terminated, that the purported agent's authority is void, invalid, or terminated, or that the agent is exceeding or improperly exercising the agent's authority may rely upon the power of attorney as if the power of attorney were genuine, valid and still in effect, the agent's authority were genuine, valid and still in effect, and the agent had not exceeded and had properly exercised the authority.

(4) A person that is asked to accept an acknowledged power of attorney may request, and rely upon, without further investigation:

(a) An agent's certification given under penalty of perjury meeting the requirements of subsection (5) of this section; and

(b) An English translation of the power of attorney if the power of attorney contains, in whole or in part, language other than English.

(5) A certification presented pursuant to subsection (4) of this section or pursuant to section 120 of this act shall state that:

(a) The person presenting himself or herself as the agent and signing the affidavit or declaration is the person so named in the power of attorney;

(b) If the agent is named in the power of attorney as a successor agent, the circumstances or conditions stated in the power of attorney that would cause that person to become the acting agent have occurred;

(c) To the best of the agent's knowledge, the principal is still alive;

(d) To the best of the agent's knowledge, at the time the power of attorney was signed, the principal was competent to execute the document and was not under undue influence to sign the document;

(e) All events necessary to making the power of attorney effective have occurred;

(f) The agent does not have actual knowledge of the revocation, termination, limitation, or modification of the power of attorney or of the agent's authority;

(g) The agent does not have actual knowledge of the existence of other circumstances that would limit, modify, revoke, or terminate the power of attorney or the agent's authority to take the proposed action;

(h) If the agent was married to or in a state registered domestic partnership with the principal at the time of execution of the power of attorney, then at the time of signing the affidavit or declaration, the marriage or state registered domestic partnership of the principal and the agent has not been dissolved or declared invalid, and no action is pending for the dissolution of the marriage or domestic partnership or for legal separation; and

(i) The agent is acting in good faith pursuant to the authority given under the power of attorney.

(6) An English translation requested under this section must be provided at the principal's expense unless the request is made more than seven business days after the power of attorney is presented for acceptance.

(7) For purposes of this section and section 120 of this act, a person that conducts activities through employees is without actual knowledge of a fact relating to a power of attorney, a principal, or an agent if the employee conducting the transaction involving the power of attorney is without actual knowledge of the fact.

NEW SECTION. **Sec. 120.** (1) Except as otherwise provided in subsection (2) of this section:

(a) A person shall either accept an acknowledged power of attorney or request a certification or a translation no later than seven business days after presentation of the power of attorney for acceptance;

(b) If a person requests a certification or a translation, the person shall accept the power of attorney no later than five business days after receipt of the certification or translation; and

(c) A person may not require an additional or different form of power of attorney for authority granted in the power of attorney presented.

(2) A person is not required to accept an acknowledged power of attorney if:

(a) The person is not otherwise required to engage in a transaction with the principal in the same circumstances;

(b) Engaging in a transaction with the agent or the principal in the same circumstances would be inconsistent with federal law;

(c) The person has actual knowledge of the termination of the agent's authority or of the power of attorney before exercise of the power;

(d) A request for a certification or a translation is refused;

(e) The person in good faith believes that the power is not valid or that the agent does not have the authority to perform the act requested, whether or not a certification or a translation has been requested or provided; or

(f) The person makes, or has actual knowledge that another person has made, a report to the department of social and health services stating a good faith

belief that the principal may be subject to physical or financial abuse, neglect, exploitation, or abandonment by the agent or a person acting for or with the agent.

(3) A person that refuses in violation of this section to accept an acknowledged power of attorney is subject to:

(a) A court order mandating acceptance of the power of attorney; and

(b) Liability for reasonable attorneys' fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney.

NEW SECTION. **Sec. 121.** Unless displaced by a provision of this chapter, the principles of law and equity supplement this chapter.

NEW SECTION. **Sec. 122.** This chapter does not supersede any other law applicable to financial institutions or other entities, and the other law controls if inconsistent with this chapter.

NEW SECTION. **Sec. 123.** The remedies under this chapter are not exclusive and do not abrogate any right or remedy under the law of this state other than this chapter.

PART II

NEW SECTION. **Sec. 201.** (1) An agent under a power of attorney may, subject to the requirements of section 114 of this act, and in particular section 114(2)(f) of this act, do the following on behalf of the principal or with the principal's property only if the power of attorney expressly grants the agent the authority and exercise of the authority is not otherwise prohibited by another agreement or instrument to which the authority or property is subject:

(a) Create, amend, revoke, or terminate an inter vivos trust;

(b) Make a gift;

(c) Create or change rights of survivorship;

(d) Create or change a beneficiary designation;

(e) Delegate some but not all of the authority granted under the power of attorney, except as otherwise provided in section 111(1) of this act;

(f) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan;

(g) Exercise fiduciary powers that the principal has authority to delegate;

(h) Exercise any power of appointment in favor of anyone other than the principal;

(i) Create, amend, or revoke a community property agreement;

(j) Cause a trustee to make distributions of property held in trust under the same conditions that the principal could;

(k) Make any other provisions for nonprobate transfer at death contained in nontestamentary instruments described in RCW 11.02.091;

(l) Make health care decisions for the principal, or give informed consent to health care decisions on the principal's behalf.

(2) Notwithstanding the provisions of subsection (1)(a) of this section, an agent may, even in the absence of a specific grant of authority, make transfers of property to any trust that benefits the principal alone and does not have dispositive provisions that are different from those that would have governed the property had it not been transferred into such trust.

(3) Notwithstanding the provisions of subsection (1)(b) of this section, an agent may, even in the absence of a specific grant of authority, make any transfer of resources not prohibited under chapter 74.09 RCW when the transfer is for the purpose of qualifying the principal for medical assistance or the limited casualty program for the medically needy.

(4) Notwithstanding a grant of authority to do an act described in subsection (1) of this section, unless the power of attorney otherwise provides, an agent that is not an ancestor, spouse, state registered domestic partner, or descendant of the principal, may not exercise authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal's property, whether by gift, right of survivorship, beneficiary designation, disclaimer, or otherwise.

(5) Unless the power of attorney otherwise provides, a grant of authority to make a gift is subject to section 216 of this act.

(6) Subject to subsections (1) through (5) of this section, if the subjects over which authority is granted in a power of attorney are similar or overlap, the broadest authority controls.

(7) Authority granted in a power of attorney is exercisable with respect to property that the principal has when the power of attorney is executed or acquires later, whether or not the property is located in this state and whether or not the authority is exercised or the power of attorney is executed in this state.

(8) An act performed by an agent pursuant to a power of attorney has the same effect and inures to the benefit of and binds the principal and the principal's successors in interest as if the principal had performed the act.

NEW SECTION. **Sec. 202.** (1) Subject to the provisions of section 201 of this act, if a power of attorney grants to an agent authority to do all acts that a principal could do or contains words of similar effect, the agent has the general authority described in sections 203 through 218 of this act.

(2) An agent has authority described in this act if the power of attorney refers to general authority with respect to the descriptive term for the subjects stated in sections 204 through 218 of this act or cites the section in which the authority is described.

(3) A reference in a power of attorney to general authority with respect to the descriptive term for a subject in sections 204 through 218 of this act or a citation to a section of sections 204 through 218 of this act incorporates the entire section as if it were set out in full in the power of attorney.

(4) A principal may modify authority incorporated by reference.

NEW SECTION. **Sec. 203.** Except as otherwise provided in the power of attorney, by executing a power of attorney that incorporates by reference a subject described in sections 204 through 218 of this act or that grants to an agent authority to do all acts that a principal could do pursuant to section 202(1) of this act, a principal authorizes the agent, with respect to that subject, to:

(1) Demand, receive, and obtain by litigation or otherwise, declaratory or injunctive relief, money, or another thing of value to which the principal is, may become, or claims to be entitled, and conserve, invest, disburse, or use anything so received or obtained for the purposes intended;

(2) Contract in any manner with any person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate,

reform, restate, release, or modify the contract or another contract made by or on behalf of the principal;

(3) Execute, acknowledge, seal, deliver, file, or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction, including creating at any time a schedule listing some or all of the principal's property and attaching it to the power of attorney;

(4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to a claim existing in favor of or against the principal or intervene in litigation relating to the claim;

(5) Seek on the principal's behalf the assistance of a court or other governmental agency to carry out an act authorized in the power of attorney;

(6) Engage, compensate, and discharge an attorney, accountant, investment manager, expert witness, or other advisor;

(7) Prepare, execute, and file a record, report, or other document to safeguard or promote the principal's interest under a statute or regulation;

(8) Communicate with any representative or employee of a government or governmental subdivision, agency, or instrumentality, on behalf of the principal;

(9) Access communications intended for, and communicate on behalf of the principal, whether by mail, electronic transmission, telephone, or other means; and

(10) Do any lawful act with respect to the subject and all property related to the subject.

NEW SECTION. **Sec. 204.** Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to real property authorizes the agent to:

(1) Demand; buy; sublease; license; receive; accept as a gift or as security for an extension of credit; or otherwise acquire or reject an interest in real property or a right incident to real property;

(2) Sell; exchange; convey with or without reservations, covenants, representations, or warranties; quitclaim; release; surrender; retain title for security; encumber; partition; consent to partitioning; subject to an easement or covenant, common interest regime; subdivide; apply for zoning or other governmental permits; plat or consent to platting; develop; grant an option concerning; lease; sublease; license; contribute to an entity in exchange for an interest in that entity; or, subject to section 201 of this act, otherwise grant or dispose of an interest in real property or a right incident to real property;

(3) Pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, extend the time of payment of a debt of the principal or a debt guaranteed by the principal, or as security for a nonmonetary obligation;

(4) Release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property which exists or is asserted;

(5) Manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including:

(a) Insuring against liability or casualty or other loss;

(b) Obtaining or regaining possession of or protecting the interest or right by litigation or otherwise;

(c) Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and

(d) Purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property;

(6) Use, develop, alter, replace, remove, erect, or install structures or other improvements upon real property in or incident to which the principal has, or claims to have, an interest or right;

(7) Participate in a reorganization with respect to real property or an entity that owns an interest in or right incident to real property and receive, and hold, and act with respect to stocks and bonds or other property received in a plan of reorganization, including:

(a) Selling or otherwise disposing of them;

(b) Exercising or selling an option, right of conversion, or similar right with respect to them; and

(c) Exercising any voting rights in person or by proxy;

(8) Change the form of title of an interest in or right incident to real property; and

(9) Dedicate to public use, with or without consideration, easements or other real property in which the principal has, or claims to have, an interest.

NEW SECTION. **Sec. 205.** Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to tangible personal property authorizes the agent to:

(1) Demand, buy, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject ownership or possession of tangible personal property or an interest in tangible personal property;

(2) Sell; exchange; convey with or without covenants, representations, or warranties; quitclaim; release; surrender; create a security interest in; grant options concerning; lease; sublease; or, otherwise dispose of tangible personal property or an interest in tangible personal property;

(3) Grant a security interest in tangible personal property or an interest in tangible personal property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;

(4) Release, assign, satisfy, or enforce by litigation or otherwise, a security interest, lien, or other claim on behalf of the principal, with respect to tangible personal property or an interest in tangible personal property;

(5) Manage or conserve tangible personal property or an interest in tangible personal property on behalf of the principal, including:

(a) Insuring against liability or casualty or other loss;

(b) Obtaining or regaining possession of or protecting the property or interest, by litigation or otherwise;

(c) Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with taxes or assessments;

(d) Moving the property from place to place;

(e) Storing the property for hire or on a gratuitous bailment; and

(f) Using and making repairs, alterations, or improvements to the property; and

(6) Change the form of title of an interest in tangible personal property.

NEW SECTION. **Sec. 206.** Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to stocks, bonds, and financial instruments authorizes the agent to:

(1) Buy, sell, and exchange stocks, bonds, and financial instruments;

(2) Establish, continue, modify, or terminate an account with respect to stocks, bonds, and financial instruments;

(3) Pledge stocks, bonds, and financial instruments as security to borrow, pay, renew, or extend the time of payment of a debt of the principal;

(4) Receive certificates and other evidences of ownership with respect to stocks, bonds, and financial instruments;

(5) Exercise voting rights with respect to stocks, bonds, and financial instruments in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote;

(6) Buy, sell, exchange, assign, settle, and exercise commodity futures contracts and call or put options on stocks or stock indexes traded on a regulated option exchange; and

(7) Establish, continue, modify, and terminate option accounts.

NEW SECTION. **Sec. 207.** Except as otherwise expressly provided in this act and in chapter 30A.22 RCW, unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to banks and other financial institutions authorizes the agent to:

(1) Continue, modify, and terminate an account or other banking arrangement made by or on behalf of the principal;

(2) Establish, modify, and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent;

(3) Contract for services available from a financial institution, including renting a safe deposit box or space in a vault;

(4) Withdraw, by check, order, electronic funds transfer, or otherwise, money or property of the principal deposited with or left in the custody of a financial institution;

(5) Receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them;

(6) Enter a safe deposit box or vault and withdraw or add to the contents;

(7) Borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;

(8) Make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts, and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions, and accept a draft drawn by a person upon the principal and pay it when due;

(9) Receive for the principal and act upon a sight draft, warehouse receipt, or other document of title whether tangible or electronic, or other negotiable or nonnegotiable instrument;

(10) Apply for, receive, and use letters of credit, credit and debit cards, electronic transaction authorizations, and traveler's checks from a financial

institution and give an indemnity or other agreement in connection with letters of credit; and

(11) Consent to an extension of the time of payment with respect to commercial paper or a financial transaction with a financial institution.

NEW SECTION. **Sec. 208.** Subject to the terms of a document or an agreement governing an entity or an entity ownership interest, and unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to operation of an entity or business authorizes the agent to:

(1) Operate, buy, sell, enlarge, reduce, or terminate an ownership interest;

(2) Perform a duty or discharge a liability and exercise in person or by proxy a right, power, privilege, or option that the principal has, may have, or claims to have;

(3) Enforce the terms of an ownership agreement;

(4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party because of an ownership interest;

(5) Exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or option the principal has or claims to have as the holder of stocks, bonds, and financial instruments;

(6) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party concerning stocks, bonds, and financial instruments;

(7) With respect to an entity or business owned solely by the principal:

(a) Continue, modify, renegotiate, extend, and terminate a contract made by or on behalf of the principal with respect to the entity or business before execution of the power of attorney;

(b) Determine:

(i) The location of its operation;

(ii) The nature and extent of its business;

(iii) The methods of manufacturing, selling, merchandising, financing, accounting, and advertising employed in its operation;

(iv) The amount and types of insurance carried; and

(v) The mode of engaging, compensating, and dealing with its employees and accountants, attorneys, or other advisors;

(c) Change the name or form of organization under which the entity or business is operated and enter into an ownership agreement with other persons to take over all or part of the operation of the entity or business; and

(d) Demand and receive money due or claimed by the principal or on the principal's behalf in the operation of the entity or business and control and disburse the money in the operation of the entity or business;

(8) Put additional capital into an entity or business in which the principal has an interest;

(9) Join in a plan of reorganization, consolidation, conversion, domestication, or merger of the entity or business;

(10) Sell or liquidate all or part of an entity or business;

(11) Establish through agreement or independent appraisal the value of an entity or business to which the principal is a party;

(12) Prepare, sign, file, and deliver reports, compilations of information, returns, or other papers with respect to an entity or business and make related payments; and

(13) Pay, compromise, or contest taxes, assessments, fines, or penalties and perform any other act to protect the principal from illegal or unnecessary taxation, assessments, fines, or penalties, with respect to an entity or business, including attempts to recover, in any manner permitted by law, money paid before or after the execution of the power of attorney.

NEW SECTION. **Sec. 209.** Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to insurance and annuities authorizes the agent to:

(1) Continue, pay the premium or make a contribution on, modify, exchange, sell, rescind, release, or terminate a contract procured by or on behalf of the principal which insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract;

(2) Procure new, different, and additional contracts of insurance and annuities for the benefit of the principal and the principal's spouse, state registered domestic partner, children, and other dependents, and select the amount, type of insurance or annuity, and mode of payment;

(3) Pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract of insurance or annuity procured by the agent;

(4) Apply for and receive a loan secured by a contract of insurance or annuity;

(5) Surrender and receive the cash surrender value on a contract of insurance or annuity;

(6) Exercise an election;

(7) Exercise investment powers available under a contract of insurance or annuity;

(8) Change the manner of paying premiums on a contract of insurance or annuity;

(9) Change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section;

(10) Apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal;

(11) Collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal in a contract of insurance or annuity;

(12) Select the form and timing of the payment of proceeds from a contract of insurance or annuity; and

(13) Pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with, a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or its proceeds or liability accruing by reason of the tax or assessment.

NEW SECTION. **Sec. 210.** (1) In this section, "estates, trusts, and other beneficial interests" means a trust, probate estate, guardianship, conservatorship, escrow, or custodianship or a fund from which the principal is, may become, or claims to be, entitled to a share or payment.

(2) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to estates, trusts, and other beneficial interests authorizes the agent to:

(a) Accept, receive, receipt for, sell, assign, pledge, or exchange a share in or payment from the fund;

(b) Demand or obtain money or another thing of value to which the principal is, may become, or claims to be, entitled by reason of the fund, by litigation or otherwise;

(c) Exercise for the benefit of the principal a presently exercisable general power of appointment held by the principal;

(d) Exercise for the benefit of the principal a presently exercisable limited power of appointment held by the principal;

(e) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to ascertain the meaning, validity, or effect of a deed, will, declaration of trust, or other instrument or transaction affecting the interest of the principal;

(f) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to remove, substitute, or surcharge a fiduciary, and any other matter as defined under RCW 11.96A.030;

(g) Conserve, invest, disburse, or use anything received for an authorized purpose;

(h) Transfer an interest of the principal in real property, stocks, bonds, and financial instruments, accounts with financial institutions or securities intermediaries, insurance, annuities, and other property to the trustee of a revocable trust created by the principal as settlor, subject to the limitations in section 201(1) of this section; and

(i) Reject, renounce, disclaim, release, or consent to a reduction in or modification of a share in or payment from the fund.

NEW SECTION. **Sec. 211.** Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to claims and litigation authorizes the agent, without the need for appointment of a guardian or guardian ad litem under Title 4 RCW, to:

(1) Assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment, or defense, including an action to recover property or other thing of value, recover damages sustained by the principal, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief;

(2) Bring or defend an action to determine adverse claims or intervene or otherwise participate in litigation;

(3) Seek an attachment, garnishment, order of arrest, or other preliminary, provisional, or intermediate relief and use an available procedure to effect or satisfy a judgment, order, or decree;

(4) Make or accept a tender, offer of judgment, or admission of facts, submit a controversy on an agreed statement of facts, consent to examination, and bind the principal in litigation;

(5) Submit to alternative dispute resolution, settle, and propose or accept a compromise, subject to special proceeding rule 98.16W;

(6) Waive the issuance and service of process upon the principal, accept service of process, appear for the principal, designate persons upon which process directed to the principal may be served, execute, and file or deliver stipulations on the principal's behalf, verify pleadings, seek appellate review, procure and give surety and indemnity bonds, contract and pay for the preparation and printing of records and briefs, receive, execute, and file or deliver a consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement, or other instrument in connection with the prosecution, settlement, or defense of a claim or litigation;

(7) Act for the principal with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning the principal or some other person, or with respect to a reorganization, receivership, or application for the appointment of a receiver or trustee which affects an interest of the principal in property or other thing of value;

(8) Pay a judgment, award, or order against the principal or a settlement made in connection with a claim or litigation; and

(9) Receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation.

NEW SECTION. **Sec. 212.** (1) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to personal and family maintenance authorizes the agent to:

(a) Perform the acts necessary to maintain the customary standard of living of the principal, the principal's spouse or state registered domestic partner, and the following individuals, whether living when the power of attorney is executed or later born:

(i) The principal's children;

(ii) Other individuals legally entitled to be supported by the principal; and

(iii) The individuals whom the principal has customarily supported or indicated the intent to support;

(b) Make periodic payments of child support and other family maintenance required by a court or governmental agency or an agreement to which the principal is a party;

(c) Provide living quarters for the individuals described in subsection (1) of this section by:

(i) Purchase, lease, or other contract; or

(ii) Paying the operating costs, including interest, amortization payments, repairs, improvements, and taxes, for premises owned by the principal or occupied by those individuals;

(d) Provide reasonable domestic help, usual vacations and travel expenses, and funds for shelter, clothing, food, appropriate education, including postsecondary and vocational education, and other current living costs for the individuals described in subsection (1) of this section;

(e) Pay expenses for necessary health care and custodial care on behalf of the individuals described in subsection (1) of this section;

(f) Act as the principal's personal representative pursuant to the health insurance portability and accountability act, sections 1171 through 1179 of the social security act, 42 U.S.C. Sec. 1320d, as amended, and applicable regulations, for the limited purpose of making decisions regarding the payment of costs and expenses arising from past, present, or future health care provided to

the principal which was consented to by the principal or anyone authorized under the law of this state to consent to health care on behalf of the principal;

(g) Continue any provision made by the principal for automobiles or other means of transportation, including registering, licensing, insuring, and replacing them, for the individuals described in subsection (1) of this section;

(h) Maintain credit and debit accounts for the convenience of the individuals described in subsection (1) of this section and open new accounts; and

(i) Continue payments incidental to the membership or affiliation of the principal in a religious institution, club, society, order, or other organization or to continue contributions to those organizations.

(2) Authority with respect to personal and family maintenance is neither dependent upon, nor limited by, authority that an agent may or may not have with respect to gifts under this act.

NEW SECTION. **Sec. 213.** (1) In this section, "benefits from governmental programs or civil or military service" means any benefit, program or assistance provided under a statute or regulation including social security, medicare, and medicaid.

(2) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to benefits from governmental programs or civil or military service authorizes the agent to:

(a) Execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal, including allowances and reimbursements for transportation of the individuals described in section 212(1)(a) of this act, and for shipment of their household effects;

(b) Take possession and order the removal and shipment of property of the principal from a post, warehouse, depot, dock, or other place of storage or safekeeping, either governmental or private, and execute and deliver a release, voucher, receipt, bill of lading, shipping ticket, certificate, or other instrument for that purpose;

(c) Enroll in, apply for, select, reject, change, amend, or discontinue, on the principal's behalf, a benefit or program;

(d) Prepare, file, and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled under a statute or regulation;

(e) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation concerning any benefit or assistance the principal may be entitled to receive under a statute or regulation; and

(f) Receive the financial proceeds of a claim described in (d) of this subsection and conserve, invest, disburse, or use for a lawful purpose anything so received.

NEW SECTION. **Sec. 214.** (1) In this section, "retirement plan" means a plan or account created by an employer, the principal, or another individual to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary, or owner, including but not limited to a plan or account under the following sections of the internal revenue code:

(a) An individual retirement account under internal revenue code section 408, 26 U.S.C. Sec. 408, as amended;

(b) A roth individual retirement account under internal revenue code section 408A, 26 U.S.C. Sec. 408A, as amended;

(c) A deemed individual retirement account under internal revenue code section 408(q), 26 U.S.C. Sec. 408(q), as amended;

(d) An annuity or mutual fund custodial account under internal revenue code section 403(b), 26 U.S.C. Sec. 403(b), as amended;

(e) A pension, profit-sharing, stock bonus, or other retirement plan qualified under internal revenue code section 401(a), 26 U.S.C. Sec. 401(a), as amended;

(f) A plan under internal revenue code section 457(b), 26 U.S.C. Sec. 457(b), as amended; and

(g) A nonqualified deferred compensation plan under internal revenue code section 409A, 26 U.S.C. Sec. 409A, as amended.

(2) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to retirement plans authorizes the agent to:

(a) Select the form and timing of payments under a retirement plan and withdraw benefits from a plan;

(b) Make a rollover, including a direct trustee-to-trustee rollover, of benefits from one retirement plan to another;

(c) Establish a retirement plan in the principal's name;

(d) Make contributions to a retirement plan;

(e) Exercise investment powers available under a retirement plan; and

(f) Borrow from, sell assets to, or purchase assets from a retirement plan.

NEW SECTION. **Sec. 215.** Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to taxes authorizes the agent to:

(1) Prepare, sign, and file federal, state, local, and foreign income, gift, payroll, property, federal insurance contributions act, and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters, and any other tax-related documents, including receipts, offers, waivers, consents, including consents and agreements under internal revenue code section 2032A, 26 U.S.C. Sec. 2032A, as amended, closing agreements, and any power of attorney required by the internal revenue service or other taxing authority including, but not limited to, an internal revenue service form 2848 in favor of any third party with respect to a tax year upon which the statute of limitations has not run and the following twenty-five tax years;

(2) Pay taxes due, collect refunds, post bonds, receive confidential information, and contest deficiencies determined by the internal revenue service or other taxing authority;

(3) Exercise any election available to the principal under federal, state, local, or foreign tax law; and

(4) Act for the principal in all tax matters for all periods before the internal revenue service, or other taxing authority.

NEW SECTION. **Sec. 216.** (1) In this section, a gift "for the benefit of" a person includes but is not limited to a gift to a trust, an account under the uniform transfers to minors act of any jurisdiction, and a tuition savings account

or prepaid tuition plan as defined under internal revenue code section 529, 26 U.S.C. Sec. 529, as amended. Notwithstanding the terms of section 201(1)(a) of this act, the power to make a gift pursuant to section 201(1)(b) of this act shall include the power to create a trust, an account under the uniform transfers to minors act, or a tuition savings account or prepaid tuition plan as defined under internal revenue code section 529, 26 U.S.C. Sec. 529, as amended, into which a gift is to be made.

(2) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to gifts authorizes the agent only to:

(a) Make outright to, or for the benefit of, a person, a gift of any of the principal's property, including by the exercise of a presently exercisable general power of appointment held by the principal, in an amount per donee not to exceed the annual dollar limits of the federal gift tax exclusion under internal revenue code section 2503(b), 26 U.S.C. Sec. 2503(b), as amended, without regard to whether the federal gift tax exclusion applies to the gift, or if the principal's spouse agrees to consent to a split gift pursuant to internal revenue code section 2513, 26 U.S.C. Sec. 2513, as amended, in an amount per donee not to exceed twice the annual federal gift tax exclusion limit; and

(b) Consent, pursuant to internal revenue code section 2513, 26 U.S.C. Sec. 2513, as amended, to the splitting of a gift made by the principal's spouse in an amount per donee not to exceed the aggregate annual gift tax exclusions for both spouses.

(3) An agent may make a gift outright to, or for the benefit of, a person of the principal's property only as the agent determines is consistent with the principal's objectives if actually known by the agent and, if unknown, as the agent determines is consistent with the principal's best interest based on all relevant factors, including but not limited to:

(a) The value and nature of the principal's property;

(b) The principal's foreseeable obligations and need for maintenance;

(c) Minimization of taxes, including income, estate, inheritance, generation-skipping transfer, and gift taxes;

(d) Eligibility for a benefit, a program, or assistance under a statute or rule; and

(e) The principal's personal history of making or joining in making gifts.

NEW SECTION. **Sec. 217.** Unless the power of attorney otherwise provides, where language in a power of attorney grants general authority with respect to health care matters:

(1) The agent shall be authorized to act as the principal's personal representative pursuant to the health insurance portability and accountability act, sections 1171 through 1179 of the social security act, 42 U.S.C. Sec. 1320d, as amended, and applicable regulations for all purposes thereunder, including but not limited to accessing and acquiring the principal's health care related information.

(2) The agent shall be authorized to provide informed consent for health care decisions on the principal's behalf. If a principal has appointed more than one agent with authority to make mental health treatment decisions in accordance with a directive under chapter 71.32 RCW, to the extent of any conflict, the most recently appointed agent shall be treated as the principal's

agent for mental health treatment decisions unless provided otherwise in either appointment.

(3) Unless he or she is the spouse, state registered domestic partner, father or mother, or adult child or brother or sister of the principal, none of the following persons may act as the agent for the principal: Any of the principal's physicians, the physicians' employees, or the owners, administrators, or employees of the health care facility or long-term care facility as defined in RCW 43.190.020 where the principal resides or receives care. Except when the principal has consented in a mental health advance directive executed under chapter 71.32 RCW to inpatient admission or electroconvulsive therapy, this authorization is subject to the same limitations as those that apply to a guardian under RCW 11.92.043(5) (a) through (c) and 11.92.190.

NEW SECTION. **Sec. 218.** Unless the power of attorney otherwise provides, the following general provisions shall apply to any power of attorney making reference to the care of the principal's minor children:

(1) A parent or guardian, through a power of attorney, may authorize an agent to make health care decisions on behalf of one or more of his or her children, or children for whom he or she is the legal guardian, who are under the age of majority as defined in RCW 26.28.015, to be effective if the child has no other parent or legal representative readily available and authorized to give such consent.

(2) A principal may further nominate a guardian or guardians of the person, or of the estate or both, of a minor child, whether born at the time of making the durable power of attorney or afterwards, to continue during the disability of the principal, during the minority of the child or for any less time by including such a provision in his or her power of attorney.

(3) The authority of any guardian of the person of any minor child shall supersede the authority of a designated agent to make health care decisions for the minor only after such designated guardian has been appointed by the court.

(4) In the event a conflict between the provisions of a will nominating a testamentary guardian under the authority of RCW 11.88.080 and the nomination of a guardian under the authority of this statute, the most recent designation shall control.

NEW SECTION. **Sec. 219.** Notwithstanding any provision in this act, or any provision in a power of attorney, no rights under Washington's death with dignity act, chapter 70.245 RCW, may be exercised through a power of attorney.

PART III

NEW SECTION. **Sec. 301.** The following optional form may be used by an agent to certify facts concerning a power of attorney.

AGENT'S CERTIFICATION AS TO THE VALIDITY OF POWER OF ATTORNEY AND AGENT'S AUTHORITY

State of _____

[County] of _____]

I, _____ (Name of Agent), [certify] under penalty of perjury that _____ (Name of Principal) granted me authority as an agent or successor agent in a power of attorney dated _____.

I further [certify] that to my knowledge:

(1) I am acting in good faith pursuant to the authority given under the power of attorney;

(2) The principal is alive and has not terminated, revoked, limited, or modified the power of attorney or my authority to act under the power of attorney; nor has the power of attorney or my authority to act under the power of attorney been terminated, revoked, limited, or modified by any other circumstances;

(3) When the power of attorney was signed, the principal was competent to execute it and was not under undue influence to sign;

(4) All events necessary to making the power of attorney effective have occurred;

(5) If I was married or a registered domestic partner of the principal when the power of attorney was executed, there has been no subsequent dissolution, annulment, or legal separation, and no action is pending for the dissolution of the marriage or domestic partnership or for legal separation;

(6) If the power of attorney was drafted to become effective upon the happening of an event or contingency, the event or contingency has occurred;

(7) If I was named as a successor agent, the prior agent is no longer able or willing to serve, or the conditions stated in the power of attorney that cause me to become the acting agent have occurred; and

(8)_____

_____

_____

_____

(Insert other relevant statements)

SIGNATURE AND ACKNOWLEDGMENT

_____ _____

Agent's Signature Date

_____

Agent's Name Printed

_____

_____

Agent's Address

_____

Agent's Telephone Number

This document was acknowledged before me on _____,
(Date)
by
_____
(Name of Agent)
_____ (Seal, if any)
Signature of Notary
My commission expires: _____
[This document prepared by:
_____]

PART IV

Sec. 401. RCW 11.88.080 and 2005 c 97 s 11 are each amended to read as follows:

When either parent is deceased, the surviving parent of any minor child or a sole parent of a minor child, may by last will or durable power of attorney nominate a guardian or guardians of the person, or of the estate or both, of a minor child, whether born at the time of executing the instrument or afterwards, to continue during the minority of such child or for any less time. This nomination shall be effective in the event of the death or incapacity of such parent. Every guardian of the estate of a child shall give bond in like manner and with like conditions as required by RCW 11.88.100 and 11.88.110, and he or she shall have the same powers and perform the same duties with regard to the person and estate of the minor as a guardian appointed under this chapter. The court shall confirm the parent's nomination unless the court finds, based upon evidence presented at a hearing on the matter, that the individual nominated in the surviving parent's will or durable power of attorney is not qualified to serve. In the event of a conflict between the provisions of a will nominating a testamentary guardian under the authority of this section and the nomination of a guardian under section 218 of this act, the most recent designation shall control. This section applies to actions commenced under section 116 of this act.

Sec. 402. RCW 11.86.021 and 1989 c 34 s 2 are each amended to read as follows:

(1) A beneficiary may disclaim an interest in whole or in part, or with reference to specific parts, shares or assets, in the manner provided in RCW 11.86.031.

(2) Likewise, a beneficiary may so disclaim through an agent or attorney so authorized by written instrument.

(3) A personal representative, guardian, attorney-in-fact if authorized under a durable power of attorney under chapter ((~~11.94~~)) 11.-- RCW (the new chapter created in section 505 of this act), or other legal representative of the estate of a minor, incompetent, or deceased beneficiary, may so disclaim on behalf of the beneficiary, with or without court order, if:

(a) The legal representative deems the disclaimer to be in the best interests of those interested in the estate of the beneficiary and of those who take the

disclaimed interest because of the disclaimer, and not detrimental to the best interests of the beneficiary; and

(b) In the case of a guardian, no order has been issued under RCW 11.92.140 determining that the disclaimer is not in the best interests of the beneficiary.

Sec. 403. RCW 11.88.010 and 2008 c 6 s 802 are each amended to read as follows:

(1) The superior court of each county shall have power to appoint guardians for the persons and/or estates of incapacitated persons, and guardians for the estates of nonresidents of the state who have property in the county needing care and attention.

(a) For purposes of this chapter, a person may be deemed incapacitated as to person when the superior court determines the individual has a significant risk of personal harm based upon a demonstrated inability to adequately provide for nutrition, health, housing, or physical safety.

(b) For purposes of this chapter, a person may be deemed incapacitated as to the person's estate when the superior court determines the individual is at significant risk of financial harm based upon a demonstrated inability to adequately manage property or financial affairs.

(c) A determination of incapacity is a legal not a medical decision, based upon a demonstration of management insufficiencies over time in the area of person or estate. Age, eccentricity, poverty, or medical diagnosis alone shall not be sufficient to justify a finding of incapacity.

(d) A person may also be determined incapacitated if he or she is under the age of majority as defined in RCW 26.28.010.

(e) For purposes of giving informed consent for health care pursuant to RCW 7.70.050 and 7.70.065, an "incompetent" person is any person who is (i) incompetent by reason of mental illness, developmental disability, senility, habitual drunkenness, excessive use of drugs, or other mental incapacity, of either managing his or her property or caring for himself or herself, or both, or (ii) incapacitated as defined in (a), (b), or (d) of this subsection.

(f) For purposes of the terms "incompetent," "disabled," or "not legally competent," as those terms are used in the Revised Code of Washington to apply to persons incapacitated under this chapter, those terms shall be interpreted to mean "incapacitated" persons for purposes of this chapter.

(2) The superior court for each county shall have power to appoint limited guardians for the persons and estates, or either thereof, of incapacitated persons, who by reason of their incapacity have need for protection and assistance, but who are capable of managing some of their personal and financial affairs. After considering all evidence presented as a result of such investigation, the court shall impose, by order, only such specific limitations and restrictions on an incapacitated person to be placed under a limited guardianship as the court finds necessary for such person's protection and assistance. A person shall not be presumed to be incapacitated nor shall a person lose any legal rights or suffer any legal disabilities as the result of being placed under a limited guardianship, except as to those rights and disabilities specifically set forth in the court order establishing such a limited guardianship. In addition, the court order shall state the period of time for which it shall be applicable.

(3) Venue for petitions for guardianship or limited guardianship shall lie in the county wherein the alleged incapacitated person is domiciled, or if such person resides in a facility supported in whole or in part by local, state, or federal funding sources, in either the county where the facility is located, the county of domicile prior to residence in the supported facility, or the county where a parent or spouse or domestic partner of the alleged incapacitated person is domiciled.

If the alleged incapacitated person's residency has changed within one year of the filing of the petition, any interested person may move for a change of venue for any proceedings seeking the appointment of a guardian or a limited guardian under this chapter to the county of the alleged incapacitated person's last place of residence of one year or more. The motion shall be granted when it appears to the court that such venue would be in the best interests of the alleged incapacitated person and would promote more complete consideration of all relevant matters.

(4) Under ((~~RCW 11.94.010~~)) section 108 of this act, a principal may nominate, by a durable power of attorney, the guardian or limited guardian of his or her estate or person for consideration by the court if guardianship proceedings for the principal's person or estate are thereafter commenced. The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or disqualification.

(5) Imposition of a guardianship for an incapacitated person shall not result in the loss of the right to vote unless the court determines that the person is incompetent for purposes of rationally exercising the franchise in that the individual lacks the capacity to understand the nature and effect of voting such that she or he cannot make an individual choice. The court order establishing guardianship shall specify whether or not the individual retains voting rights. When a court determines that the person is incompetent for the purpose of rationally exercising the right to vote, the court shall notify the appropriate county auditor.

Sec. 404. RCW 11.103.030 and 2013 c 272 s 24 are each amended to read as follows:

(1) Unless the terms of a trust expressly provide that the trust is revocable, the trustor may not revoke or amend the trust.

(2) If a revocable trust is created or funded by more than one trustor and unless the trust agreement provides otherwise:

(a) To the extent the trust consists of community property, the trust may be revoked by either spouse or either domestic partner acting alone but may be amended only by joint action of both spouses or both domestic partners;

(b) To the extent the trust consists of property other than community property, each trustor may revoke or amend the trust with regard to the portion of the trust property attributable to that trustor's contribution;

(c) The character of community property or separate property is unaffected by its transfer to and from a revocable trust; and

(d) Upon the revocation or amendment of the trust by fewer than all of the trustors, the trustee must promptly notify the other trustors of the revocation or amendment.

(3) The trustor may revoke or amend a revocable trust:

(a) By substantial compliance with a method provided in the terms of the trust; or

(b)(i) If the terms of the trust do not provide a method or the method provided in the terms is not expressly made exclusive, by:

(A) A later will or codicil that expressly refers to the trust or specifically devises property that would otherwise have passed according to the terms of the trust; or

(B) A written instrument signed by the trustor evidencing intent to revoke or amend.

(ii) The requirements of chapter 11.11 RCW do not apply to revocation or amendment of a revocable trust under (b)(i) of this subsection.

(4) Upon revocation of a revocable trust, the trustee must deliver the trust property as the trustor directs.

(5) A trustor's powers with respect to the revocation or amendment of a trust or distribution of the property of a trust((,)) may be exercised by the trustor's agent under a power of attorney only to the extent specified in the power of attorney document, as provided in ((~~RCW 11.94.050(1)~~)) section 201 of this act and to the extent consistent with or expressly authorized by the trust agreement.

(6) A guardian of the trustor may exercise a trustor's powers with respect to revocation, amendment, or distribution of trust property only with the approval of the court supervising the guardianship pursuant to RCW 11.92.140.

(7) A trustee who does not know that a trust has been revoked or amended is not liable to the trustor or trustor's successors in interest for distributions made and other actions taken on the assumption that the trust had not been amended or revoked.

(8) This section does not limit or affect operation of RCW 11.96A.220 through 11.96A.240.

Sec. 405. RCW 30A.22.170 and 1981 c 192 s 17 are each amended to read as follows:

Any funds on deposit in an account may be paid by a financial institution to or upon the order of any agent of any depositor. The contract of deposit or other document creating such agency may provide, in accordance with chapter ((~~11.94~~)) 11.-- RCW (the new chapter created in section 505 of this act), that any such agent's powers to receive payments and make withdrawals from an account continues in spite of, or arises by virtue of, the incompetency of a depositor, in which event the agent's powers to make payments and withdrawals from an account on behalf of a depositor is not affected by the incompetency of a depositor. Except as provided in this section, the authority of an agent to receive payments or make withdrawals from an account terminates with the death or incompetency of the agent's principal: PROVIDED, That a financial institution is not liable for any payment or withdrawal made to or by an agent for a deceased or incompetent depositor unless the financial institution making the payment or permitting the withdrawal had actual knowledge of the incompetency or death at the time payment was made.

Sec. 406. RCW 70.122.130 and 2013 c 251 s 12 are each amended to read as follows:

(1) The department of health shall establish and maintain a statewide health care declarations registry containing the health care declarations identified in subsection (2) of this section as submitted by residents of Washington. The department shall digitally reproduce and store health care declarations in the

registry. The department may establish standards for individuals to submit digitally reproduced health care declarations directly to the registry, but is not required to review the health care declarations that it receives to ensure they comply with the particular statutory requirements applicable to the document. The department may contract with an organization that meets the standards identified in this section.

(2)(a) An individual may submit any of the following health care declarations to the department of health to be digitally reproduced and stored in the registry:

(i) A directive, as defined by this chapter;

(ii) A durable power of attorney for health care, as authorized in chapter ((~~11.94~~)) 11.-- RCW (the new chapter created in section 505 of this act);

(iii) A mental health advance directive, as defined by chapter 71.32 RCW; or

(iv) A form adopted pursuant to the department of health's authority in RCW 43.70.480.

(b) Failure to submit a health care declaration to the department of health does not affect the validity of the declaration.

(c) Failure to notify the department of health of a valid revocation of a health care declaration does not affect the validity of the revocation.

(d) The entry of a health care directive in the registry under this section does not:

(i) Affect the validity of the document;

(ii) Take the place of any requirements in law necessary to make the submitted document legal; or

(iii) Create a presumption regarding the validity of the document.

(3) The department of health shall prescribe a procedure for an individual to revoke a health care declaration contained in the registry.

(4) The registry must:

(a) Be maintained in a secure database that is accessible through a web site maintained by the department of health;

(b) Send annual electronic messages to individuals that have submitted health care declarations to request that they review the registry materials to ensure that it is current;

(c) Provide individuals who have submitted one or more health care declarations with access to their documents and the ability to revoke their documents at all times; and

(d) Provide the personal representatives of individuals who have submitted one or more health care declarations to the registry, attending physicians, advanced registered nurse practitioners, health care providers licensed by a disciplining authority identified in RCW 18.130.040 who is acting under the direction of a physician or an advanced registered nurse practitioner, and health care facilities, as defined in this chapter or in chapter 71.32 RCW, access to the registry at all times.

(5) In designing the registry and web site, the department of health shall ensure compliance with state and federal requirements related to patient confidentiality.

(6) The department shall provide information to health care providers and health care facilities on the registry web site regarding the different federal and

Washington state requirements to ascertain and document whether a patient has an advance directive.

(7) The department of health may accept donations, grants, gifts, or other forms of voluntary contributions to support activities related to the creation and maintenance of the health care declarations registry and statewide public education campaigns related to the existence of the registry. All receipts from donations made under this section, and other contributions and appropriations specifically made for the purposes of creating and maintaining the registry established under this section and statewide public education campaigns related to the existence of the registry, shall be deposited into the general fund. These moneys in the general fund may be spent only after appropriation.

(8) The department of health may adopt rules as necessary to implement chapter 108, Laws of 2006.

(9) By December 1, 2008, the department shall report to the house and senate committees on health care the following information:

(a) Number of participants in the registry;

(b) Number of health care declarations submitted by type of declaration as defined in this section;

(c) Number of health care declarations revoked and the method of revocation;

(d) Number of providers and facilities, by type, that have been provided access to the registry;

(e) Actual costs of operation of the registry.

Sec. 407. RCW 71.32.020 and 2011 c 89 s 15 are each amended to read as follows:

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

(1) "Adult" means any individual who has attained the age of majority or is an emancipated minor.

(2) "Agent" has the same meaning as an attorney-in-fact or agent as provided in chapter ((~~11.94~~)) 11.-- RCW (the new chapter created in section 505 of this act).

(3) "Capacity" means that an adult has not been found to be incapacitated pursuant to this chapter or RCW 11.88.010(1)(e).

(4) "Court" means a superior court under chapter 2.08 RCW.

(5) "Health care facility" means a hospital, as defined in RCW 70.41.020; an institution, as defined in RCW 71.12.455; a state hospital, as defined in RCW 72.23.010; a nursing home, as defined in RCW 18.51.010; or a clinic that is part of a community mental health service delivery system, as defined in RCW 71.24.025.

(6) "Health care provider" means an osteopathic physician or osteopathic physician's assistant licensed under chapter 18.57 or 18.57A RCW, a physician or physician's assistant licensed under chapter 18.71 or 18.71A RCW, or an advanced registered nurse practitioner licensed under RCW 18.79.050.

(7) "Incapacitated" means an adult who: (a) Is unable to understand the nature, character, and anticipated results of proposed treatment or alternatives; understand the recognized serious possible risks, complications, and anticipated benefits in treatments and alternatives, including nontreatment; or communicate

his or her understanding or treatment decisions; or (b) has been found to be incompetent pursuant to RCW 11.88.010(1)(e).

(8) "Informed consent" means consent that is given after the person: (a) Is provided with a description of the nature, character, and anticipated results of proposed treatments and alternatives, and the recognized serious possible risks, complications, and anticipated benefits in the treatments and alternatives, including nontreatment, in language that the person can reasonably be expected to understand; or (b) elects not to be given the information included in (a) of this subsection.

(9) "Long-term care facility" has the same meaning as defined in RCW 43.190.020.

(10) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions.

(11) "Mental health advance directive" or "directive" means a written document in which the principal makes a declaration of instructions or preferences or appoints an agent to make decisions on behalf of the principal regarding the principal's mental health treatment, or both, and that is consistent with the provisions of this chapter.

(12) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(13) "Principal" means an adult who has executed a mental health advance directive.

(14) "Professional person" means a mental health professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

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

Sec. 408. RCW 71.32.050 and 2003 c 283 s 5 are each amended to read as follows:

(1) An adult with capacity may execute a mental health advance directive.

(2) A directive executed in accordance with this chapter is presumed to be valid. The inability to honor one or more provisions of a directive does not affect the validity of the remaining provisions.

(3) A directive may include any provision relating to mental health treatment or the care of the principal or the principal's personal affairs. Without limitation, a directive may include:

(a) The principal's preferences and instructions for mental health treatment;

(b) Consent to specific types of mental health treatment;

(c) Refusal to consent to specific types of mental health treatment;

(d) Consent to admission to and retention in a facility for mental health treatment for up to fourteen days;

(e) Descriptions of situations that may cause the principal to experience a mental health crisis;

(f) Suggested alternative responses that may supplement or be in lieu of direct mental health treatment, such as treatment approaches from other providers;

(g) Appointment of an agent pursuant to chapter ((~~11.94~~)) 11.-- RCW (the new chapter created in section 505 of this act) to make mental health treatment decisions on the principal's behalf, including authorizing the agent to provide consent on the principal's behalf to voluntary admission to inpatient mental health treatment; and

(h) The principal's nomination of a guardian or limited guardian as provided in ((~~RCW 11.94.010~~)) section 108 of this act for consideration by the court if guardianship proceedings are commenced.

(4) A directive may be combined with or be independent of a nomination of a guardian or other durable power of attorney under chapter ((~~11.94~~)) 11.-- RCW (the new chapter created in section 505 of this act), so long as the processes for each are executed in accordance with its own statutes.

Sec. 409. RCW 71.32.060 and 2003 c 283 s 6 are each amended to read as follows:

(1) A directive shall:

(a) Be in writing;

(b) Contain language that clearly indicates that the principal intends to create a directive;

(c) Be dated and signed by the principal or at the principal's direction in the principal's presence if the principal is unable to sign;

(d) Designate whether the principal wishes to be able to revoke the directive during any period of incapacity or wishes to be unable to revoke the directive during any period of incapacity; and

(e) Be witnessed in writing by at least two adults, each of whom shall declare that he or she personally knows the principal, was present when the principal dated and signed the directive, and that the principal did not appear to be incapacitated or acting under fraud, undue influence, or duress.

(2) A directive that includes the appointment of an agent pursuant to a power of attorney under chapter ((~~11.94~~)) 11.-- RCW (the new chapter created in section 505 of this act) shall contain the words "This power of attorney shall not be affected by the incapacity of the principal," or "This power of attorney shall become effective upon the incapacity of the principal," or similar words showing the principal's intent that the authority conferred shall be exercisable notwithstanding the principal's incapacity.

(3) A directive is valid upon execution, but all or part of the directive may take effect at a later time as designated by the principal in the directive.

(4) A directive may:

(a) Be revoked, in whole or in part, pursuant to the provisions of RCW 71.32.080; or

(b) Expire under its own terms.

Sec. 410. RCW 71.32.100 and 2003 c 283 s 10 are each amended to read as follows:

(1) If a directive authorizes the appointment of an agent, the provisions of chapter ((~~11.94~~)) 11.-- RCW (the new chapter created in section 505 of this act) and RCW 7.70.065 shall apply unless otherwise stated in this chapter.

(2) The principal who appoints an agent must notify the agent in writing of the appointment.

(3) An agent must act in good faith.

(4) An agent may make decisions on behalf of the principal. Unless the principal has revoked the directive, the decisions must be consistent with the instructions and preferences the principal has expressed in the directive, or if not expressed, as otherwise known to the agent. If the principal's instructions or preferences are not known, the agent shall make a decision he or she determines is in the best interest of the principal.

(5) Except to the extent the right is limited by the appointment or any federal or state law, the agent has the same right as the principal to receive, review, and authorize the use and disclosure of the principal's health care information when the agent is acting on behalf of the principal and to the extent required for the agent to carry out his or her duties. This subsection shall be construed to be consistent with chapters 70.02, 70.24, 70.96A, 71.05, and 71.34 RCW, and with federal law regarding health care information.

(6) Unless otherwise provided in the appointment and agreed to in writing by the agent, the agent is not, as a result of acting in the capacity of agent, personally liable for the cost of treatment provided to the principal.

(7) An agent may resign or withdraw at any time by giving written notice to the principal. The agent must also give written notice to any health care provider, professional person, or health care facility providing treatment to the principal. The resignation or withdrawal is effective upon receipt unless otherwise specified in the resignation or withdrawal.

(8) If the directive gives the agent authority to act while the principal has capacity, the decisions of the principal supersede those of the agent at any time the principal has capacity.

(9) Unless otherwise provided in the durable power of attorney, the principal may revoke the agent's appointment as provided under other state law.

Sec. 411. RCW 71.32.180 and 2003 c 283 s 18 are each amended to read as follows:

(1) Where an incapacitated principal has executed more than one valid directive and has not revoked any of the directives:

(a) The directive most recently created shall be treated as the principal's mental health treatment preferences and instructions as to any inconsistent or conflicting provisions, unless provided otherwise in either document.

(b) Where a directive executed under this chapter is inconsistent with a directive executed under any other chapter, the most recently created directive controls as to the inconsistent provisions.

(2) Where an incapacitated principal has appointed more than one agent under chapter ((~~11.94~~)) 11.-- RCW (the new chapter created in section 505 of this act) with authority to make mental health treatment decisions, ((~~RCW 11.94.010~~)) section 217 of this act controls.

(3) The treatment provider shall inquire of a principal whether the principal is subject to any court orders that would affect the implementation of his or her directive.

Sec. 412. RCW 71.32.200 and 2003 c 283 s 20 are each amended to read as follows:

Any person with reasonable cause to believe that a directive has been created or revoked under circumstances amounting to fraud, duress, or undue influence may petition the court for appointment of a guardian for the person or to review the actions of the agent or person alleged to be involved in improper conduct under ((~~RCW 11.94.090~~)) section 116 of this act or RCW 74.34.110.

Sec. 413. RCW 71.32.260 and 2009 c 217 s 14 are each amended to read as follows:

The directive shall be in substantially the following form:

Mental Health Advance Directive

NOTICE TO PERSONS
CREATING A MENTAL HEALTH ADVANCE DIRECTIVE

This is an important legal document. It creates an advance directive for mental health treatment. Before signing this document you should know these important facts:

(1) This document is called an advance directive and allows you to make decisions in advance about your mental health treatment, including medications, short-term admission to inpatient treatment and electroconvulsive therapy.

YOU DO NOT HAVE TO FILL OUT OR SIGN THIS FORM.
IF YOU DO NOT SIGN THIS FORM, IT WILL NOT TAKE EFFECT.

If you choose to complete and sign this document, you may still decide to leave some items blank.

(2) You have the right to appoint a person as your agent to make treatment decisions for you. You must notify your agent that you have appointed him or her as an agent. The person you appoint has a duty to act consistently with your wishes made known by you. If your agent does not know what your wishes are, he or she has a duty to act in your best interest. Your agent has the right to withdraw from the appointment at any time.

(3) The instructions you include with this advance directive and the authority you give your agent to act will only become effective under the conditions you select in this document. You may choose to limit this directive and your agent's authority to times when you are incapacitated or to times when you are exhibiting symptoms or behavior that you specify. You may also make this directive effective immediately. No matter when you choose to make this directive effective, your treatment providers must still seek your informed consent at all times that you have capacity to give informed consent.

(4) You have the right to revoke this document in writing at any time you have capacity.

YOU MAY NOT REVOKE THIS DIRECTIVE WHEN YOU HAVE BEEN FOUND TO BE INCAPACITATED UNLESS YOU HAVE SPECIFICALLY STATED IN THIS DIRECTIVE THAT YOU WANT IT TO BE REVOCABLE WHEN YOU ARE INCAPACITATED.

(5) This directive will stay in effect until you revoke it unless you specify an expiration date. If you specify an expiration date and you are incapacitated at the time it expires, it will remain in effect until you have capacity to make treatment decisions again unless you chose to be able to revoke it while you are incapacitated and you revoke the directive.

(6) You cannot use your advance directive to consent to civil commitment. The procedures that apply to your advance directive are different than those provided for in the Involuntary Treatment Act. Involuntary treatment is a different process.

(7) If there is anything in this directive that you do not understand, you should ask a lawyer to explain it to you.

(8) You should be aware that there are some circumstances where your provider may not have to follow your directive.

(9) You should discuss any treatment decisions in your directive with your provider.

(10) You may ask the court to rule on the validity of your directive.

PART I.
STATEMENT OF INTENT TO CREATE A MENTAL HEALTH ADVANCE DIRECTIVE

I, ... being a person with capacity, willfully and voluntarily execute this mental health advance directive so that my choices regarding my mental health care will be carried out in circumstances when I am unable to express my instructions and preferences regarding my mental health care. If a guardian is appointed by a court to make mental health decisions for me, I intend this document to take precedence over all other means of ascertaining my intent.

The fact that I may have left blanks in this directive does not affect its validity in any way. I intend that all completed sections be followed. If I have not expressed a choice, my agent should make the decision that he or she determines is in my best interest. I intend this directive to take precedence over any other directives I have previously executed, to the extent that they are inconsistent with this document, or unless I expressly state otherwise in either document.

I understand that I may revoke this directive in whole or in part if I am a person with capacity. I understand that I cannot revoke this directive if a court, two health care providers, or one mental health professional and one health care provider find that I am an incapacitated person, unless, when I executed this directive, I chose to be able to revoke this directive while incapacitated.

I understand that, except as otherwise provided in law, revocation must be in writing. I understand that nothing in this directive, or in my refusal of treatment to which I consent in this directive, authorizes any health care provider, professional person, health care facility, or agent appointed in this directive to use or threaten to use abuse, neglect, financial exploitation, or abandonment to carry out my directive.

I understand that there are some circumstances where my provider may not have to follow my directive.

PART II.
WHEN THIS DIRECTIVE IS EFFECTIVE

YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.

I intend that this directive become effective (*YOU MUST CHOOSE ONLY ONE*):

. . . . . Immediately upon my signing of this directive.

. . . . . If I become incapacitated.

. . . . . When the following circumstances, symptoms, or behaviors occur:. . . .

. . . . . .

. . . . . .

PART III.
DURATION OF THIS DIRECTIVE

YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.

I want this directive to (*YOU MUST CHOOSE ONLY ONE*):

. . . . . Remain valid and in effect for an indefinite period of time.

. . . . . Automatically expire . . . . . years from the date it was created.

PART IV.
WHEN I MAY REVOKE THIS DIRECTIVE

YOU MUST COMPLETE THIS PART FOR THIS DIRECTIVE TO BE VALID.

I intend that I be able to revoke this directive (*YOU MUST CHOOSE ONLY ONE*):

. . . . . Only when I have capacity.
I understand that choosing this option means I may only revoke this directive if I have capacity. I further understand that if I choose this option and become incapacitated while this directive is in effect, I may receive treatment that I specify in this directive, even if I object at the time.

. . . . . Even if I am incapacitated.
I understand that choosing this option means that I may revoke this directive even if I am incapacitated. I further understand that if I choose this option and revoke this directive while I am incapacitated I may not receive treatment that I specify in this directive, even if I want the treatment.

PART V.
PREFERENCES AND INSTRUCTIONS ABOUT TREATMENT, FACILITIES, AND PHYSICIANS OR PSYCHIATRIC ADVANCED REGISTERED NURSE PRACTITIONERS

A. Preferences and Instructions About Physician(s) or Psychiatric Advanced Registered Nurse Practitioner(s) to be Involved in My Treatment

I would like the physician(s) or psychiatric advanced registered nurse practitioner(s) named below to be involved in my treatment decisions:

Dr. or PARNP . . . . . Contact information:. . . . . .
Dr. or PARNP . . . . . Contact information:. . . . . .

I do not wish to be treated by Dr. or PARNP. . . . . .

B. Preferences and Instructions About Other Providers

I am receiving other treatment or care from providers who I feel have an impact on my mental health care. I would like the following treatment provider(s) to be contacted when this directive is effective:

Name . . . . . Profession . . . . . Contact information. . . . . .

Name . . . . . Profession . . . . . Contact information. . . . . .

C. Preferences and Instructions About Medications for Psychiatric Treatment (*initial and complete all that apply*)

. . . . . I consent, and authorize my agent (if appointed) to consent, to the following
medications:. . . . . .

. . . . . I do not consent, and I do not authorize my agent (if appointed) to consent, to the administration of the following medications:. . . . . .

. . . . . I am willing to take the medications excluded above if my only reason for excluding them is the side effects which include. . . . . and these side effects can be eliminated by dosage adjustment or other means

. . . . . I am willing to try any other medication the hospital doctor or psychiatric advanced registered nurse practitioner recommends

. . . . . I am willing to try any other medications my outpatient doctor or psychiatric advanced registered nurse practitioner recommends

. . . . . I do not want to try any other medications.

Medication Allergies

I have allergies to, or severe side effects from, the following:. . . . . .

Other Medication Preferences or Instructions

. . . . . I have the following other preferences or instructions about medications

. . . . . .

D. Preferences and Instructions About Hospitalization and Alternatives (*initial all that apply and, if desired, rank "1" for first choice, "2" for second choice, and so on*)

. . . . . In the event my psychiatric condition is serious enough to require 24-hour care and I have no physical conditions that require immediate access to emergency medical care, I prefer to receive this care in programs/facilities designed as alternatives to psychiatric hospitalizations.

. . . . . I would also like the interventions below to be tried before hospitalization is considered:

. . . . . Calling someone or having someone call me when needed.

Name:. . . . . Telephone:. . . . . .

. . . . . Staying overnight with someone

Name:. . . . . Telephone:. . . . . .

. . . . . Having a mental health service provider come to see me

. . . . . Going to a crisis triage center or emergency room

. . . . . Staying overnight at a crisis respite (temporary) bed

. . . . . Seeing a service provider for help with psychiatric medications

. . . . . Other, specify:. . . . . .

Authority to Consent to Inpatient Treatment

I consent, and authorize my agent (if appointed) to consent, to voluntary admission to inpatient mental health treatment for . . . . . days (*not to exceed 14 days*)

(Sign one):

. . . . . If deemed appropriate by my agent (if appointed) and treating physician or psychiatric advanced registered nurse practitioner

. . . . . .

(Signature)

or

. . . . . Under the following circumstances (specify symptoms, behaviors, or circumstances that indicate the need for hospitalization) . . . . . .

. . . . . .

(Signature)

. . . . . I do **not** consent, or authorize my agent (if appointed) to consent, to inpatient treatment

. . . . . .

(Signature)

Hospital Preferences and Instructions

If hospitalization is required, I prefer the following hospitals:. . . . . .

I do not consent to be admitted to the following hospitals:. . . . . .

E. Preferences and Instructions About Preemergency

I would like the interventions below to be tried before use of seclusion or restraint is considered
(*initial all that apply*):

. . . . . "Talk me down" one-on-one

. . . . . More medication

. . . . . Time out/privacy

. . . . . Show of authority/force

. . . . . Shift my attention to something else

. . . . . Set firm limits on my behavior

. . . . . Help me to discuss/vent feelings

. . . . . Decrease stimulation

. . . . . Offer to have neutral person settle dispute

. . . . . Other, specify . . . . . .

F. Preferences and Instructions About Seclusion, Restraint, and Emergency Medications

If it is determined that I am engaging in behavior that requires seclusion, physical restraint, and/or emergency use of medication, I prefer these interventions in the order I have chosen (*choose "1" for first choice, "2" for second choice, and so on*):

. . . . . Seclusion

. . . . . Seclusion and physical restraint (combined)

. . . . . Medication by injection

. . . . . Medication in pill or liquid form

In the event that my attending physician or psychiatric advanced registered nurse practitioner decides to use medication in response to an emergency situation after due consideration of my preferences and instructions for emergency treatments stated above, I expect the choice of medication to reflect any preferences and instructions I have expressed in Part III C of this form. The preferences and instructions I express in this section regarding medication in emergency situations do not constitute consent to use of the medication for nonemergency treatment.

G. Preferences and Instructions About Electroconvulsive Therapy (ECT or Shock Therapy)

My wishes regarding electroconvulsive therapy are (*sign one*):

. . . . . I do not consent, nor authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

. . . . . .

(Signature)

. . . . . I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

. . . . . .

(Signature)

. . . . . I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy, but only under the following conditions:. . . . . .

. . . . . .

(Signature)

H. Preferences and Instructions About Who is Permitted to Visit

If I have been admitted to a mental health treatment facility, the following people are not permitted to visit me there:

Name:. . . . . .

Name:. . . . . .

Name:. . . . . .

I understand that persons not listed above may be permitted to visit me.

I. Additional Instructions About My Mental Health Care

Other instructions about my mental health care:. . . . . .

. . . . . .

In case of emergency, please contact:

Name:. . . . . Address:. . . . . .

Work telephone:. . . . . Home telephone:. . . . . .

Physician or Psychiatric Advanced Registered Nurse Practitioner:. . . . . Address:. . . . . .

Telephone:. . . . . .

The following may help me to avoid a hospitalization:. . . . . .

. . . . . .

I generally react to being hospitalized as follows:. . . . . .

. . . . . .

Staff of the hospital or crisis unit can help me by doing the following:. . . . . .

. . . . . .

. . . . . .

J. Refusal of Treatment

I do not consent to any mental health treatment.

. . . . . .

(Signature)

PART VI.
DURABLE POWER OF ATTORNEY (APPOINTMENT OF MY AGENT)

(*Fill out this part only if you wish to appoint an agent or nominate a guardian.*)

I authorize an agent to make mental health treatment decisions on my behalf. The authority granted to my agent includes the right to consent, refuse consent, or withdraw consent to any mental health care, treatment, service, or procedure, consistent with any instructions and/or limitations I have set forth in this directive. I intend that those decisions should be made in accordance with my expressed wishes as set forth in this document. If I have not expressed a choice in this document **and my agent does not otherwise know my wishes**, I authorize my agent to make the decision that my agent determines is in my best interest. This agency shall not be affected by my incapacity. Unless I state otherwise in this durable power of attorney, I may revoke it unless prohibited by other state law.

A. Designation of an Agent

I appoint the following person as my agent to make mental health treatment decisions for me as authorized in this document and request that this person be notified immediately when this directive becomes effective:

Name:. . . . . Address:. . . . . .

Work telephone:. . . . . Home telephone:. . . . . .

Relationship:. . . . . .

B. Designation of Alternate Agent

If the person named above is unavailable, unable, or refuses to serve as my agent, or I revoke that person's authority to serve as my agent, I hereby appoint the following person as my alternate agent and request that this person be notified immediately when this directive becomes effective or when my original agent is no longer my agent:

Name:. . . . . Address:. . . . . .

Work telephone:. . . . . Home telephone:. . . . . .

Relationship:. . . . . .

C. When My Spouse is My Agent (*initial if desired*)

. . . . . If my spouse is my agent, that person shall remain my agent even if we become legally separated or our marriage is dissolved, unless there is a court order to the contrary or I have remarried.

D. Limitations on My Agent's Authority

I do not grant my agent the authority to consent on my behalf to the following:

. . . . . .

. . . . . .

E. Limitations on My Ability to Revoke this Durable Power of Attorney

I choose to limit my ability to revoke this durable power of attorney as follows:

. . . . . .

. . . . . .

F. Preference as to Court-Appointed Guardian

In the event a court appoints a guardian who will make decisions regarding my mental health treatment, I **nominate** the following person **as my guardian**:

Name:. . . . . Address:. . . . . .

Work telephone:. . . . . Home telephone:. . . . . .

Relationship:. . . . . .

The appointment of a guardian of my estate or my person or any other decision maker shall not give the guardian or decision maker the power to revoke, suspend, or terminate this directive or the powers of my agent, except as authorized by law.

. . . . . .

(Signature required if nomination is made)

PART VII.
OTHER DOCUMENTS

(*Initial all that apply*)

I have executed the following documents that include the power to make decisions regarding health care services for myself:

. . . . . Health care power of attorney (chapter ((~~11.94~~)) 11.— RCW (the new chapter created in section 505 of this act))

. . . . . "Living will" (Health care directive; chapter 70.122 RCW)

. . . . . I have appointed more than one agent. I understand that the most recently appointed agent controls except as stated below:

. . . . . .

PART VIII.
NOTIFICATION OF OTHERS AND CARE OF PERSONAL AFFAIRS

(*Fill out this part only if you wish to provide nontreatment instructions.*)

I understand the preferences and instructions in this part are **NOT** the responsibility of my treatment provider and that no treatment provider is required to act on them.

A. Who Should Be Notified

I desire my agent to notify the following individuals as soon as possible when this directive becomes effective:

Name: . . . . . Address: . . . . . .

Day telephone: . . . . . Evening telephone: . . . . . .

Name: . . . . . Address: . . . . . .

Day telephone: . . . . . Evening telephone: . . . . . .

B. Preferences or Instructions About Personal Affairs

I have the following preferences or instructions about my personal affairs (e.g., care of dependents, pets, household) if I am admitted to a mental health treatment facility:

. . . . . .

. . . . . .

C. Additional Preferences and Instructions:

. . . . . .

. . . . . .

. . . . . .

. . . . . .

PART IX.
SIGNATURE

By signing here, I indicate that I understand the purpose and effect of this document and that I am giving my informed consent to the treatments and/or admission to which I have consented or authorized my agent to consent in this directive. I intend that my consent in this directive be construed as being consistent with the elements of informed consent under chapter 7.70 RCW.

Signature: . . . . . Date: . . . . . .

Printed Name: . . . . . .

This directive was signed and declared by the "Principal," to be his or her directive, in our presence who, at his or her request, have signed our names below as witnesses. We declare that, at the time of the creation of this instrument, the Principal is personally known to us, and, according to our best knowledge and belief, has capacity at this time and does not appear to be acting under duress, undue influence, or fraud. We further declare that none of us is:

(A) A person designated to make medical decisions on the principal's behalf;

(B) A health care provider or professional person directly involved with the provision of care to the principal at the time the directive is executed;

(C) An owner, operator, employee, or relative of an owner or operator of a health care facility or long-term care facility in which the principal is a patient or resident;

(D) A person who is related by blood, marriage, or adoption to the person, or with whom the principal has a dating relationship as defined in RCW 26.50.010;

(E) An incapacitated person;

(F) A person who would benefit financially if the principal undergoes mental health treatment; or

(G) A minor.

Witness 1: Signature: . . . . . Date: . . . . . .

Printed Name: . . . . . .

Telephone: . . . . . Address: . . . . . .

Witness 2: Signature: . . . . . Date: . . . . . .

Printed Name: . . . . . .

Telephone: . . . . . Address: . . . . . .

PART X.
RECORD OF DIRECTIVE

I have given a copy of this directive to the following persons: . . . . . .

. . . . . .

DO NOT FILL OUT PART XI UNLESS YOU INTEND TO REVOKE THIS DIRECTIVE IN PART OR IN WHOLE

PART XI.
REVOCATION OF THIS DIRECTIVE

(*Initial any that apply*):

. . . . . I am revoking the following part(s) of this directive (specify): . . . . . .

. . . . . .

. . . . . I am revoking all of this directive.

By signing here, I indicate that I understand the purpose and effect of my revocation and that no person is bound by any revoked provision(s). I intend this revocation to be interpreted as if I had never completed the revoked provision(s).

Signature: . . . . . Date: . . . . . .

Printed Name: . . . . . .

DO NOT SIGN THIS PART UNLESS YOU INTEND TO REVOKE THIS DIRECTIVE IN PART OR IN WHOLE

PART V

NEW SECTION. **Sec. 501.** In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact it.

NEW SECTION. **Sec. 502.** This act modifies, limits, and supersedes the federal electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

NEW SECTION. **Sec. 503.** Except as otherwise provided in this act, on the effective date of this section:

(1) This act applies to a power of attorney created before, on, or after the effective date of this section;

(2) This act applies to a judicial proceeding concerning a power of attorney commenced on or after the effective date of this section;

(3) This act applies to a judicial proceeding concerning a power of attorney commenced before the effective date of this section unless the court finds that application of a provision of this act would substantially interfere with the effective conduct of the judicial proceeding or prejudice the rights of a party, in which case that provision does not apply and the superseded law applies; and

(4) An act done before the effective date of this section is not affected by this act.

NEW SECTION. **Sec. 504.** The following acts or parts of acts are each repealed:

(1) RCW 11.94.010 (Designation—Authority—Effect of acts done—Appointment of guardian, effect—Accounting—Reliance on instrument) and 2007 c 156 s 31, 2005 c 97 s 12, 2003 c 283 s 27, 1995 c 297 s 9, 1989 c 211 s 1, & 1985 c 30 s 25;

(2) RCW 11.94.020 (Effect of death, disability, or incompetence of principal—Acts without knowledge) and 1985 c 30 s 26;

(3) RCW 11.94.030 (Banking transactions) and 1985 c 30 s 27;

(4) RCW 11.94.040 (Liability for reliance on power of attorney document) and 2001 c 203 s 2 & 1985 c 30 s 28;

(5) RCW 11.94.043 (Durable power of attorney—Revocation or termination) and 1989 c 211 s 2;

(6) RCW 11.94.046 (Durable power of attorney—Validity) and 1989 c 211 s 3;

(7) RCW 11.94.050 (Attorney or agent granted principal's powers—Powers to be specifically provided for—Transfer of resources by principal's attorney or agent) and 2014 c 58 s 23, 2011 c 327 s 4, 2001 c 203 s 12, 1989 c 87 s 1, & 1985 c 30 s 29;

(8) RCW 11.94.060 (Conveyance or encumbrance of homestead) and 1985 c 30 s 30;

(9) RCW 11.94.070 (Limitations on powers to benefit attorneys-in-fact) and 1994 c 221 s 67;

(10) RCW 11.94.080 (Termination of marriage or state registered domestic partnership) and 2007 c 156 s 14 & 2001 c 203 s 1;

(11) RCW 11.94.090 (Court petition) and 2008 c 6 s 808 & 2001 c 203 s 3;

(12) RCW 11.94.100 (Persons allowed to file court petition) and 2008 c 6 s 809 & 2001 c 203 s 4;

(13) RCW 11.94.110 (Ruling on court petition) and 2001 c 203 s 5;

(14) RCW 11.94.120 (Award of costs on court petition) and 2001 c 203 s 6;

(15) RCW 11.94.130 (Applicability of dispute resolution provisions to court petition) and 2001 c 203 s 7;

(16) RCW 11.94.140 (Notice of hearing on court petition) and 2008 c 6 s 810 & 2001 c 203 s 8;

(17) RCW 11.94.150 (Mental health treatment decisions—Compensation of agent prohibited—Reimbursement of expenses allowed) and 2003 c 283 s 28;

(18) RCW 11.94.900 (Application of 1984 c 149 §§ 26-31 as of January 1, 1985) and 1985 c 30 s 140; and

(19) RCW 11.94.901 (Construction—Chapter applicable to state registered domestic partnerships—2009 c 521) and 2009 c 521 s 37.

NEW SECTION. **Sec. 505.** Sections 101 through 301 and 501 through 503 of this act constitute a new chapter in Title 11 RCW.

NEW SECTION. **Sec. 506.** This act takes effect January 1, 2017.

Passed by the Senate March 7, 2016.
Passed by the House March 3, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 210

[Fifth Engrossed Substitute Senate Bill 5857]

PHARMACY BENEFIT MANAGERS--VARIOUS PROVISIONS

AN ACT Relating to registration and regulation of pharmacy benefit managers; amending RCW 19.340.030, 19.340.010, and 19.340.100; adding a new section to chapter 19.340 RCW; adding a new section to chapter 48.02 RCW; creating new sections; prescribing penalties; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 19.340.030 and 2014 c 213 s 2 are each amended to read as follows:

(1) To conduct business in this state, a pharmacy benefit manager must register with the ((~~department of revenue's business licensing service~~)) office of the insurance commissioner and annually renew the registration.

(2) To register under this section, a pharmacy benefit manager must:

(a) Submit an application requiring the following information:

(i) The identity of the pharmacy benefit manager;

(ii) The name, business address, phone number, and contact person for the pharmacy benefit manager; and

(iii) Where applicable, the federal tax employer identification number for the entity; and

(b) Pay a registration fee ((~~of two hundred dollars~~)) established in rule by the commissioner. The registration fee must be set to allow the registration and oversight activities to be self-supporting.

(3) To renew a registration under this section, a pharmacy benefit manager must pay a renewal fee ((~~of two hundred dollars~~)) established in rule by the commissioner. The renewal fee must be set to allow the renewal and oversight activities to be self-supporting.

(4) All receipts from registrations and renewals collected by the ((~~department~~)) commissioner must be deposited into the ((~~business license account created in RCW 19.02.210~~)) insurance commissioner's regulatory account created in RCW 48.02.190.

NEW SECTION. **Sec. 2.** A new section is added to chapter 19.340 RCW to read as follows:

(1) The commissioner shall have enforcement authority over this chapter and shall have authority to render a binding decision in any dispute between a pharmacy benefit manager, or third-party administrator of prescription drug benefits, and a pharmacy arising out of an appeal under RCW 19.340.100(6) regarding drug pricing and reimbursement.

(2) Any person, corporation, third-party administrator of prescription drug benefits, pharmacy benefit manager, or business entity which violates any provision of this chapter shall be subject to a civil penalty in the amount of one thousand dollars for each act in violation of this chapter or, if the violation was knowing and willful, a civil penalty of five thousand dollars for each violation of this chapter.

Sec. 3. RCW 19.340.010 and 2014 c 213 s 1 are each amended to read as follows:

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

(1) "Claim" means a request from a pharmacy or pharmacist to be reimbursed for the cost of filling or refilling a prescription for a drug or for providing a medical supply or service.

(2) "Commissioner" means the insurance commissioner established in chapter 48.02 RCW.

(3) "Insurer" has the same meaning as in RCW 48.01.050.

(((~~(3)~~))) (4) "Pharmacist" has the same meaning as in RCW 18.64.011.

(((~~(4)~~))) (5) "Pharmacy" has the same meaning as in RCW 18.64.011.

((~~(5)~~)) (6)(a) "Pharmacy benefit manager" means a person that contracts with pharmacies on behalf of an insurer, a third-party payor, or the prescription drug purchasing consortium established under RCW 70.14.060 to:

(i) Process claims for prescription drugs or medical supplies or provide retail network management for pharmacies or pharmacists;

(ii) Pay pharmacies or pharmacists for prescription drugs or medical supplies; or

(iii) Negotiate rebates with manufacturers for drugs paid for or procured as described in this subsection.

(b) "Pharmacy benefit manager" does not include a health care service contractor as defined in RCW 48.44.010.

((~~(6)~~)) (7) "Third-party payor" means a person licensed under RCW 48.39.005.

Sec. 4. RCW 19.340.100 and 2014 c 213 s 10 are each amended to read as follows:

(1) As used in this section:

(a) "List" means the list of drugs for which ((~~maximum allowable costs have been established.~~

~~(b) "Maximum allowable cost" means the maximum amount that a pharmacy benefit manager will reimburse a pharmacy for the cost of a drug.~~

~~(c)~~)) predetermined reimbursement costs have been established, such as a maximum allowable cost or maximum allowable cost list or any other benchmark prices utilized by the pharmacy benefit manager and must include the basis of the methodology and sources utilized to determine multisource generic drug reimbursement amounts.

(b) "Multiple source drug" means a therapeutically equivalent drug that is available from at least two manufacturers.

(c) "Multisource generic drug" means any covered outpatient prescription drug for which there is at least one other drug product that is rated as therapeutically equivalent under the food and drug administration's most recent publication of "Approved Drug Products with Therapeutic Equivalence Evaluations;" is pharmaceutically equivalent or bioequivalent, as determined by the food and drug administration; and is sold or marketed in the state during the period.

(d) "Network pharmacy" means a retail drug outlet licensed as a pharmacy under RCW 18.64.043 that contracts with a pharmacy benefit manager.

(e) "Therapeutically equivalent" has the same meaning as in RCW 69.41.110.

(2) A pharmacy benefit manager:

(a) May not place a drug on a list unless ((~~are is [there are]~~)) there are at least two therapeutically equivalent multiple source drugs, or at least one generic drug available from only one manufacturer, generally available for purchase by network pharmacies from national or regional wholesalers;

(b) Shall ensure that all drugs on a list are ((~~generally~~)) readily available for purchase by pharmacies in this state from national or regional wholesalers that serve pharmacies in Washington;

(c) Shall ensure that all drugs on a list are not obsolete;

(d) Shall make available to each network pharmacy at the beginning of the term of a contract, and upon renewal of a contract, the sources utilized to

determine the ((~~maximum allowable cost pricing~~)) predetermined reimbursement costs for multisource generic drugs of the pharmacy benefit manager;

(e) Shall make a list available to a network pharmacy upon request in a format that is readily accessible to and usable by the network pharmacy;

(f) Shall update each list maintained by the pharmacy benefit manager every seven business days and make the updated lists, including all changes in the price of drugs, available to network pharmacies in a readily accessible and usable format;

(g) Shall ensure that dispensing fees are not included in the calculation of ((~~maximum allowable cost~~)) the predetermined reimbursement costs for multisource generic drugs.

(3) A pharmacy benefit manager must establish a process by which a network pharmacy may appeal its reimbursement for a drug subject to ((~~maximum allowable cost pricing~~)) predetermined reimbursement costs for multisource generic drugs. A network pharmacy may appeal a ((~~maximum allowable cost~~)) predetermined reimbursement cost for a multisource generic drug if the reimbursement for the drug is less than the net amount that the network pharmacy paid to the supplier of the drug. ((~~An appeal requested under this section must be completed within thirty calendar days of the pharmacy making the claim for which an appeal has been requested.~~)) An appeal requested under this section must be completed within thirty calendar days of the pharmacy submitting the appeal. If after thirty days the network pharmacy has not received the decision on the appeal from the pharmacy benefit manager, then the appeal is considered denied.

The pharmacy benefit manager shall uphold the appeal of a pharmacy with fewer than fifteen retail outlets, within the state of Washington, under its corporate umbrella if the pharmacy or pharmacist can demonstrate that it is unable to purchase a therapeutically equivalent interchangeable product from a supplier doing business in Washington at the pharmacy benefit manager's list price.

(4) A pharmacy benefit manager must provide as part of the appeals process established under subsection (3) of this section:

(a) A telephone number at which a network pharmacy may contact the pharmacy benefit manager and speak with an individual who is responsible for processing appeals; and

(b) ((~~A final response to an appeal of a maximum allowable cost within seven business days; and~~

~~(c)~~)) If the appeal is denied, the reason for the denial and the national drug code of a drug that ((~~may be~~)) has been purchased by ((~~similarly situated~~)) other network pharmacies located in Washington at a price that is equal to or less than the ((~~maximum allowable cost~~)) predetermined reimbursement cost for the multisource generic drug. A pharmacy with fifteen or more retail outlets, within the state of Washington, under its corporate umbrella may submit information to the commissioner about an appeal under subsection (3) of this section for purposes of information collection and analysis.

(5)(a) If an appeal is upheld under this section, the pharmacy benefit manager shall make ((~~an~~)) a reasonable adjustment on a date no later than one day after the date of determination. ((~~The pharmacy benefit manager shall make~~

~~the adjustment effective for all similarly situated pharmacies in this state that are within the network.~~))

(b) If the request for an adjustment has come from a critical access pharmacy, as defined by the state health care authority by rule for purposes related to the prescription drug purchasing consortium established under RCW 70.14.060, the adjustment approved under (a) of this subsection shall apply only to critical access pharmacies.

(6) Beginning July 1, 2017, if a network pharmacy appeal to the pharmacy benefit manager is denied, or if the network pharmacy is unsatisfied with the outcome of the appeal, the pharmacy or pharmacist may dispute the decision and request review by the commissioner within thirty calendar days of receiving the decision.

(a) All relevant information from the parties may be presented to the commissioner, and the commissioner may enter an order directing the pharmacy benefit manager to make an adjustment to the disputed claim, deny the pharmacy appeal, or take other actions deemed fair and equitable. An appeal requested under this section must be completed within thirty calendar days of the request.

(b) Upon resolution of the dispute, the commissioner shall provide a copy of the decision to both parties within seven calendar days.

(c) The commissioner may authorize the office of administrative hearings, as provided in chapter 34.12 RCW, to conduct appeals under this subsection (6).

(d) A pharmacy benefit manager may not retaliate against a pharmacy for pursuing an appeal under this subsection (6).

(e) This subsection (6) applies only to a pharmacy with fewer than fifteen retail outlets, within the state of Washington, under its corporate umbrella.

(7) This section does not apply to the state medical assistance program.

(8) A pharmacy benefit manager shall comply with any requests for information from the commissioner for purposes of the study of the pharmacy chain of supply conducted under section 7 of this act.

NEW SECTION. **Sec. 5.** A new section is added to chapter 48.02 RCW to read as follows:

(1) The commissioner shall accept registration of pharmacy benefit managers as established in RCW 19.340.030 and receipts shall be deposited in the insurance commissioner's regulatory account.

(2) The commissioner shall have enforcement authority over chapter 19.340 RCW consistent with requirements established in section 2 of this act.

(3) The commissioner may adopt rules to implement chapter 19.340 RCW and to establish registration and renewal fees that ensure the registration, renewal, and oversight activities are self-supporting.

NEW SECTION. **Sec. 6.** The insurance commissioner, in collaboration with the department of health, must review the potential to use the independent review organizations, established in RCW 48.43.535, as an alternative to the appeal process for pharmacy and pharmacy benefit manager disputes. By December 1, 2016, the agencies must submit recommendations for use of the independent review organizations including detailed suggestions for modifications to the process, and the possible transition of the process from the department of health, established in RCW 43.70.235, to the office of the insurance commissioner.

NEW SECTION. **Sec. 7.** (1) The office of the insurance commissioner shall conduct a study of the pharmacy chain of supply. The commissioner or his or her designee may convene one or more stakeholder work groups to address the components of the study, which must include but are not limited to the following:

(a) Review the entire drug supply chain including plan and pharmacy benefit manager reimbursements to network pharmacies, wholesaler or pharmacy service administrative organization prices to network pharmacies, and drug manufacturer prices to network pharmacies;

(b) Discuss suggestions that recognize the unique nature of small and rural pharmacies and possible options that support a viable business model that do not increase the cost of pharmacy products;

(c) Review the availability of all drugs on the maximum allowable cost list or any similar list for pharmacies;

(d) Review data submitted under RCW 19.340.100(4)(b) for patterns and trends in the denials of internal pharmacy benefit manager appeals involving pharmacies with fifteen or more retail outlets, within the state of Washington, under their corporate umbrellas;

(e) Review the telephone contacts and standards for response times and availability; and

(f) Review the pharmacy acquisition cost from national or regional wholesalers that serve pharmacies in Washington, and consider when or whether to make an adjustment and under what standards. The review may assess the timing of pharmacy purchases of products and the relative risk of list price changes related to the timing of dispensing the products.

(2) The study must be delivered to the legislature by November 1, 2016.

NEW SECTION. **Sec. 8.** Section 1 of this act takes effect January 1, 2017.

Passed by the Senate March 8, 2016.
Passed by the House March 4, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 211

[Engrossed Senate Bill 6091]

SLAYERS--DEFINITION--NOT GUILTY BY REASON OF INSANITY

AN ACT Relating to the definition of slayer; amending RCW 11.84.010 and 11.84.140; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 11.84.010 and 2009 c 525 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Abuser" means any person who participates, either as a principal or an accessory before the fact, in the willful and unlawful financial exploitation of a vulnerable adult.

(2) "Decedent" means:

(a) Any person whose life is taken by a slayer; or

(b) Any deceased person who, at any time during life in which he or she was a vulnerable adult, was the victim of financial exploitation by an abuser.

(3) "Financial exploitation" has the same meaning as provided in RCW 74.34.020, as enacted or hereafter amended.

(4) "Property" includes any real and personal property and any right or interest therein.

(5) "Slayer" means any person who participates, either as a principal or an accessory before the fact, in the willful and unlawful killing of any other person as determined under RCW 11.84.140.

(6) "Vulnerable adult" has the same meaning as provided in RCW 74.34.020.

Sec. 2. RCW 11.84.140 and 2009 c 525 s 14 are each amended to read as follows:

(1) A final judgment of conviction for the willful and unlawful killing of the decedent is conclusive for purposes of determining whether a person is a slayer under this section. A finding of not guilty by reason of insanity for the willful and unlawful killing of the decedent carries the same meaning as a judgment of conviction.

(2) In the absence of a criminal conviction or a finding of not guilty by reason of insanity, a superior court finding by a preponderance of the evidence that a person participated in the willful and unlawful killing of the decedent is conclusive for purposes of determining whether a person is a slayer under this section.

NEW SECTION. **Sec. 3.** This act may be known and cited as Carol's law.

Passed by the Senate March 8, 2016.
Passed by the House March 1, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 212

[Engrossed Senate Bill 6100]

ECONOMIC DEVELOPMENT--SECOND-STAGE COMPANIES--STRATEGIC BUSINESS ASSISTANCE SERVICES--PILOT

AN ACT Relating to establishing an economic gardening pilot program; adding a new section to chapter 43.31 RCW; creating new sections; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

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

(a) Washington's unemployment rate during the recent recession created economic and social hardships for the people of the state;

(b) Local start-up companies and small businesses are likely, as they grow, to remain in their communities of origin, thereby creating local jobs and an economic multiplier effect with their payrolls and taxes while providing local economic stimuli, which increases the local tax base;

(c) Statewide economic prosperity and job creation are advanced significantly by creating, promoting, and retaining local start-up companies and small businesses with high growth potential;

(d) Entrepreneurs and small business owners of second-stage companies, which are those companies that are beyond the start-up stage but have not yet fully matured, with innovative products or services that satisfy market needs, have particular potential for expansion and job creation;

(e) Such entrepreneurs and owners can benefit from specialized business assistance to refine core strategies and from access to in-depth market research, competitor analyses, geographic information systems, search engine optimization, and other strategic information, as well as from relationships with mentors and advisers;

(f) The aspects of economic gardening that incorporate these principles have proven successful in improving the entrepreneurial process and promoting economically sustainable local businesses; and

(g) It is important to the overall health and growth of the state's economy to promote favorable conditions for those expanding Washington businesses that demonstrate the ability to grow.

(2) In recognition of the foregoing findings and principles, it is the intent of the legislature to create a Washington economic gardening pilot project in the department of commerce.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.31 RCW to read as follows:

(1) There is hereby created within the department the economic gardening pilot project. The purpose of the pilot project is to stimulate Washington's economy and create good-paying, sustainable jobs by providing economic gardening strategic assistance services to second-stage companies in accordance with this section.

(2) The department must oversee and direct all resources for the execution of the pilot project. The department must work with chambers of commerce, associate development organizations, and other economic development organizations to implement the pilot project. The pilot project includes developing the processes for qualifying and selecting second-stage companies, identifying training components for economic development organizations implementing the pilot project, engaging private contractors as necessary to obtain strategic assistance from nationally recognized industry experts, and providing economic gardening strategic assistance to companies participating in the pilot project.

(3)(a) On or before January 1, 2017, the department must initiate a program to provide or obtain all necessary credentials for high-impact strategic assistance for the economic development organizations participating in the pilot project.

(b) Economic development organizations participating in the pilot project must be certified in economic gardening by an entity with relevant expertise in providing strategic assistance to second-stage companies.

(i) Prior to December 1, 2016, the department must issue a request for expression of interest in offering an economic gardening strategic assistance program. The department must compile a list of interested parties identified through the request for expression of interest process.

(ii) By December 1, 2016, the department must provide the list to the legislature. The department must select from the list of interested parties the entity it deems best able to deliver the training and strategic assistance services

to second-stage companies described in this section and achieve the deliverables identified in subsection (6) of this section.

(c) The department or economic development organizations participating in the pilot project may, as necessary, contract with national specialists in the industries of the second-stage companies selected for the pilot program.

(d) The department must use the existing infrastructure of economic development organizations in the state to promote the pilot project to second-stage companies and to those clients and referrals that show growth potential in jobs, sales, or export potential.

(4)(a) On or before January 1, 2017, the department and participating economic development organizations must publish criteria for a second-stage company to be selected to participate in the pilot project. The criteria must include job growth potential, sustainability, export potential, and a workforce comprised of at least fifty percent Washington residents. Application criteria must also include requirements for data collection, as specified by the department, to show the impacts of services provided through the pilot project. The department and participating economic development organizations must utilize existing strategic infrastructure and consult with local and regional economic development partners, such as chambers of commerce, associate development organizations, and other local or regional economic development entities, to identify eligible second-stage companies.

(b) In order to participate in the pilot project, a company selected for participation must pay a one-time fee of seven hundred fifty dollars, which moneys must be deposited into the economic gardening pilot project fund, created in subsection (5) of this section, for reinvestment in the pilot project.

(c) On or before March 1, 2017, the department and participating economic development organizations must select a minimum of twenty companies to participate in the pilot project.

(d) The department must oversee staff members certified pursuant to subsection (3)(b) of this section and private contractors selected pursuant to subsection (3)(c) of this section to deploy strategic assistance to all pilot project participants. The department and participating economic development organizations must acquire any tools necessary to provide the strategic assistance, including database licenses, permits, and economic gardening certification.

(e) A participating company has twelve months from the date that the department and participating economic development organizations select the company to participate in the pilot project to use the strategic assistance and other economic gardening services offered pursuant to the pilot project.

(5) There is hereby created in the state treasury the economic gardening pilot project fund, to be administered by the department. The fund consists of all fees received under subsection (4)(b) of this section and any moneys appropriated by the legislature for the purposes of this section. The legislature must make annual appropriations of the moneys in the fund to the department for administering the pilot project. Any moneys in the fund not appropriated must remain in the fund and may not be transferred or revert to the general fund at the end of any fiscal year.

(6) On or before November 1, 2017, and on or before November 1st each year thereafter through November 1, 2019, and in compliance with RCW

43.01.036 the department must submit a report to the economic development and workforce development committees of the legislature. The report must include, at a minimum:

(a) The services offered through the pilot project's strategic assistance;

(b) The department's expenditures on strategic assistance provided to pilot project participants;

(c) The number and types of jobs created as a result of the pilot project;

(d) The increased sales as a result of the pilot project; and

(e) The value of goods or services sold outside the company's local area or state.

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

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

(b) "Economic gardening" means an approach to economic growth and development that emphasizes nurturing and cultivating local small businesses by providing strategic assistance to second-stage companies.

(c) "Key industry" means an industry critical to the Washington economy, as identified by the department.

(d) "Pilot project" means the economic gardening pilot project created in this section.

(e) "Second-stage company" means a privately held business that:

(i) Employs full-time at least six persons but not more than ninety-nine persons;

(ii) Has maintained its principal place of business and a majority of its employees in Washington for at least the previous two years;

(iii) Claims at least five hundred thousand dollars but not more than fifty million dollars as annual gross revenue or working capital; and

(iv) Has a product or service that is, or has the potential to be, sold outside the company's local area or state.

(f) "Strategic assistance" or "economic gardening strategic assistance" means performing high-level database research and analysis or deploying staff members certified under subsection (4) of this section or possessing national expertise in the relevant industry to perform market research, develop core strategies, conduct business modeling, identify qualified sales leads, provide growth financing referrals, perform search engine optimization, utilize geographic information systems, advise on new media marketing, or assist with network analyses and innovation strategies.

(8) The pilot project created in this section terminates July 1, 2019.

(9) This section expires July 1, 2020.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void.

Passed by the Senate March 8, 2016.

Passed by the House March 3, 2016.

Approved by the Governor April 1, 2016.

Filed in Office of Secretary of State April 4, 2016.

CHAPTER 213

[Substitute Senate Bill 6160]

MOTOR VEHICLE AIR BAGS--MANUFACTURE, SALE, DISTRIBUTION, AND INSTALLATION--CRIMES

AN ACT Relating to the manufacture, sale, distribution, and installation of motor vehicle air bags; amending RCW 46.37.640, 46.37.650, 46.37.660, 46.63.020, and 9.94A.515; creating new sections; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 46.37.640 and 2003 c 33 s 1 are each amended to read as follows:

(1) "Air bag" means an inflatable restraint system or portion of an inflatable restraint system ((~~installed in a motor vehicle~~)) including, but not limited to, the cushion material, cover, sensors, controllers, inflators, and wiring that (a) operates in the event of a crash and (b) is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed.

(2) "Previously deployed air bag" means an inflatable restraint system or portion of the system that has been activated or inflated as a result of a collision or other incident involving the vehicle.

(3) "Nondeployed salvage air bag" means an inflatable restraint system or portion of an inflatable restraint system that has not been previously activated or inflated as a result of a collision or other incident involving the vehicle.

(4) "Counterfeit air bag" means a replacement motor vehicle inflatable occupant restraint system, including all component parts including, but not limited to, the cushion material, cover, sensors, controllers, inflators, and wiring, displaying a mark identical or similar to the genuine mark of a motor vehicle manufacturer without authorization from the manufacturer.

(5) "Nonfunctional air bag" means a replacement motor vehicle inflatable occupant restraint system, including all component parts including, but not limited to, the cushion material, cover, sensors, controllers, inflators, and wiring, which: (a) Was previously deployed or damaged; (b) has an electric fault that is detected by the vehicle air bag diagnostic system after the installation procedure is completed; or (c) includes any part or object including, but not limited to, a counterfeit or repaired air bag cover, installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional air bag has been installed.

Sec. 2. RCW 46.37.650 and 2011 c 96 s 33 are each amended to read as follows:

(1)(a) It is unlawful for a person ((~~is guilty of a gross misdemeanor if he or she knew or reasonably should have known that an air bag he or she installs or reinstalls in a vehicle for compensation, or distributes as an auto part~~)), with criminal negligence, to manufacture or import a motor vehicle air bag, that: (i) Is a counterfeit air bag, (ii) is a nonfunctional air bag, (iii) is a previously deployed or damaged air bag that is part of an inflatable restraint system, or (iv) otherwise does not meet all applicable federal safety standards for an air bag. This subsection does not apply to nondeployed salvage air bags that meet the requirements of RCW 46.37.660(1).

(((~~(2)~~))) (b) A person ((~~found guilty under subsection (1) of this section shall be punished by a fine of not more than five thousand dollars or by confinement in the county jail for up to three hundred sixty-four days, or both~~)) in violation of this subsection is guilty of a class C felony if the criminal negligence caused bodily injury as defined in RCW 9A.04.110 or death to another person.

(c) A person in violation of this subsection is guilty of a class C felony, regardless if the criminal negligence caused harm to another.

(2)(a) It is unlawful for a person, in a reckless manner, to sell, offer for sale, install, or reinstall a device in a vehicle for compensation, or distribute as an auto part, or replace a motor vehicle air bag, that: (i) Is a counterfeit air bag, (ii) is a nonfunctional air bag, (iii) is a previously deployed or damaged air bag that is part of an inflatable restraint system, or (iv) otherwise does not meet all applicable federal safety standards for an air bag. This subsection does not apply to nondeployed salvage air bags that meet the requirements of RCW 46.37.660(1).

(b) A person in violation of this subsection is guilty of a class C felony if the reckless manner caused bodily injury as defined in RCW 9A.04.110 or death to another person.

(c) A person in violation of this subsection is guilty of a class C felony, regardless if the reckless manner caused harm to another.

Sec. 3. RCW 46.37.660 and 2003 c 33 s 3 are each amended to read as follows:

(1)(a) Whenever an air bag that is part of a previously deployed inflatable restraint system is replaced by either a new air bag that is part of an inflatable restraint system or a nondeployed salvage air bag that is part of an inflatable restraint system, the air bag must conform to the original equipment manufacturer requirements and the installer must verify that the self-diagnostic system for the inflatable restraint system indicates that the entire inflatable restraint system is operating properly.

(b) A person in violation of this subsection (1) is guilty of a class C felony if the violation caused bodily injury as defined in RCW 9A.04.110 or death to another person.

(c) A person in violation of this subsection (1) is guilty of a class C felony, regardless if the violation caused harm to another.

(2)(a) No person may sell, install, or reinstall in any motor vehicle any device that causes the vehicle's diagnostic system to inaccurately indicate that the vehicle is equipped with a functional air bag when a counterfeit air bag, a nonfunctional air bag, or no air bag is installed. This subsection does not apply to nondeployed salvage air bags that meet the requirements of subsection (1) of this section.

(b) A person in violation of this subsection (2) is guilty of a class C felony if the violation caused bodily injury as defined in RCW 9A.04.110 or death to another person.

(c) A person in violation of this subsection (2) is guilty of a class C felony, regardless if the violation caused harm to another.

Sec. 4. RCW 46.63.020 and 2014 c 124 s 9 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.457(1)(b)(i) relating to a false statement regarding the inspection of and installation of equipment on wheeled all-terrain vehicles;

(2) RCW 46.09.470(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(3) RCW 46.09.480 relating to operation of nonhighway vehicles;

(4) RCW 46.10.490(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(5) RCW 46.10.495 relating to the operation of snowmobiles;

(6) Chapter 46.12 RCW relating to certificates of title, registration certificates, and markings indicating that a vehicle has been destroyed or declared a total loss;

(7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;

(8) RCW 46.16A.520 relating to permitting unauthorized persons to drive;

(9) RCW 46.16A.320 relating to vehicle trip permits;

(10) RCW 46.19.050(1) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(11) RCW 46.19.050(8) relating to illegally obtaining a parking placard, special license plate, special year tab, or identification card;

(12) RCW 46.19.050(9) relating to sale of a parking placard, special license plate, special year tab, or identification card;

(13) RCW 46.20.005 relating to driving without a valid driver's license;

(14) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(15) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(16) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(17) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(18) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license;

(19) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(20) RCW 46.20.750 relating to circumventing an ignition interlock device;

(21) RCW 46.25.170 relating to commercial driver's licenses;

(22) Chapter 46.29 RCW relating to financial responsibility;

(23) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(24) RCW 46.35.030 relating to recording device information;

(25) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(26) RCW 46.37.650 relating to the manufacture, importation, sale, ((~~resale,~~)) distribution, or installation of a counterfeit air bag, nonfunctional air bag, or previously deployed or damaged air bag;

(27) RCW 46.37.660 relating to the sale or installation of a device that causes a vehicle's diagnostic system to inaccurately indicate that the vehicle has a functional air bag when a counterfeit air bag, nonfunctional air bag, or no air bag is installed;

(28) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

((~~(28)~~)) (29) RCW 46.37.685 relating to switching or flipping license plates, utilizing technology to flip or change the appearance of a license plate, selling a license plate flipping device or technology used to change the appearance of a license plate, or falsifying a vehicle registration;

((~~(29)~~)) (30) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

((~~(30)~~)) (31) RCW 46.48.175 relating to the transportation of dangerous articles;

((~~(31)~~)) (32) RCW 46.52.010 relating to duty on striking an unattended car or other property;

((~~(32)~~)) (33) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

((~~(33)~~)) (34) RCW 46.52.090 relating to reports by repairers, storage persons, and appraisers;

((~~(34)~~)) (35) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

((~~(35)~~)) (36) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

((~~(36)~~)) (37) RCW 46.55.035 relating to prohibited practices by tow truck operators;

((~~(37)~~)) (38) RCW 46.55.300 relating to vehicle immobilization;

((~~(38)~~)) (39) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;

((~~(39)~~)) (40) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

((~~(40)~~)) (41) RCW 46.61.022 relating to failure to stop and give identification to an officer;

((~~(41)~~)) (42) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

((~~(42)~~)) (43) RCW 46.61.212(4) relating to reckless endangerment of emergency zone workers;

((~~(43)~~)) (44) RCW 46.61.500 relating to reckless driving;

((~~(44)~~)) (45) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

((~~(45)~~)) (46) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

((~~(46)~~)) (47) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

((~~(47)~~)) (48) RCW 46.61.522 relating to vehicular assault;

((~~(48)~~)) (49) RCW 46.61.5249 relating to first degree negligent driving;

((~~(49)~~)) (50) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

((~~(50)~~)) (51) RCW 46.61.530 relating to racing of vehicles on highways;

((~~(51)~~)) (52) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;

((~~(52)~~)) (53) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

((~~(53)~~)) (54) RCW 46.61.740 relating to theft of motor vehicle fuel;

((~~(54)~~)) (55) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

((~~(55)~~)) (56) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

((~~(56)~~)) (57) Chapter 46.65 RCW relating to habitual traffic offenders;

((~~(57)~~)) (58) RCW 46.68.010 relating to false statements made to obtain a refund;

((~~(58)~~)) (59) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

((~~(59)~~)) (60) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

((~~(60)~~)) (61) RCW 46.72A.060 relating to limousine carrier insurance;

((~~(61)~~)) (62) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;

((~~(62)~~)) (63) RCW 46.72A.080 relating to false advertising by a limousine carrier;

((~~(63)~~)) (64) Chapter 46.80 RCW relating to motor vehicle wreckers;

((~~(64)~~)) (65) Chapter 46.82 RCW relating to driver's training schools;

((~~(65)~~)) (66) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

((~~(66)~~)) (67) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 5. RCW 9.94A.515 and 2015 c 261 s 11 are each amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)

XV Homicide by abuse (RCW 9A.32.055)

	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(3))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
X	Child Molestation 1 (RCW 9A.44.083)
	Criminal Mistreatment 1 (RCW 9A.42.020)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 3 (RCW 70.74.280(3))
	Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Assault of a Child 2 (RCW 9A.36.130)

	Explosive devices prohibited (RCW 70.74.180)
	Hit and Run—Death (RCW 46.52.020(4)(a))
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Robbery 1 (RCW 9A.56.200)
	Sexual Exploitation (RCW 9.68A.040)
VIII	Arson 1 (RCW 9A.48.020)
	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
	Manslaughter 2 (RCW 9A.32.070)
	Promoting Prostitution 1 (RCW 9A.88.070)
	Theft of Ammonia (RCW 69.55.010)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
VII	Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
	Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
	Burglary 1 (RCW 9A.52.020)
	Child Molestation 2 (RCW 9A.44.086)
	Civil Disorder Training (RCW 9A.48.120)

Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))

Sale, install, reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))

Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)

Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

V Abandonment of Dependent Person 2 (RCW 9A.42.070)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Air bag diagnostic systems (RCW 46.37.660(2)(c))

Air bag replacement requirements (RCW 46.37.660(1)(c))

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))

Sale, install, reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Driving While Under the Influence (RCW 46.61.502(6))

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run—Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Malicious Harassment (RCW 9A.36.080)

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Trafficking in Stolen Property 1 (RCW 9A.82.050)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))

Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))

Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))

Unlawful transaction of insurance business (RCW 48.15.023(3))

Unlicensed practice as an insurance professional (RCW 48.17.063(2))

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))

Willful Failure to Return from Furlough (RCW 72.66.060)

III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))

Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Custodial Assault (RCW 9A.36.100)

Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW 81.60.070)

Mortgage Fraud (RCW 19.144.080)

Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)

Organized Retail Theft 1 (RCW 9A.56.350(2))

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))

Theft of Livestock 2 (RCW 9A.56.083)

Theft with the Intent to Resell 1 (RCW 9A.56.340(2))

Trafficking in Stolen Property 2 (RCW 9A.82.055)

Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful Misbranding of Food Fish or Shellfish 1 (RCW 69.04.938(3))

Unlawful possession of firearm in the second degree (RCW 9.41.040(2))

Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))

Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))

Computer Trespass 1 (RCW 9A.52.110)

Counterfeiting (RCW 9.16.035(3))

Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))

Escape from Community Custody (RCW 72.09.310)

Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(3))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Organized Retail Theft 2 (RCW 9A.56.350(3))

Possession of Stolen Property 1 (RCW 9A.56.150)

Possession of a Stolen Vehicle (RCW 9A.56.068)

Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))

Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)

Theft 1 (RCW 9A.56.030)

Theft of a Motor Vehicle (RCW 9A.56.065)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))

Theft with the Intent to Resell 2 (RCW 9A.56.340(3))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))

Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))

Unlawful Practice of Law (RCW 2.48.180)

Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Voyeurism (RCW 9A.44.115)

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Spotlighting Big Game 1 (RCW 77.15.450(3)(b))

Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)

Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or
Time 1 (RCW 77.15.550(3)(b))

NEW SECTION. **Sec. 6.** The legislature finds that the practices covered by this act are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this act is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. **Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the supplemental omnibus operating appropriations act, this act is null and void.

Passed by the Senate March 8, 2016.
Passed by the House March 3, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 214

[Substitute Senate Bill 6165]

SHORT-BARRELED RIFLES--FEDERAL LAW

AN ACT Relating to short-barreled rifles; and amending RCW 9.41.190.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 9.41.190 and 2014 c 201 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this section, it is unlawful for any person to:

(a) Manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any machine gun, short-barreled shotgun, or short-barreled rifle; ((~~or~~))

(b) Manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any part designed and intended solely and exclusively for use in a machine gun, short-barreled shotgun, or short-barreled rifle, or in converting a weapon into a machine gun, short-barreled shotgun, or short-barreled rifle; or ((~~to~~))

(c) Assemble or repair any machine gun, short-barreled shotgun, or short-barreled rifle.

(2) It is not unlawful for a person to ((~~possess, transport, acquire, or transfer a short-barreled rifle that is legally registered and possessed, transported, acquired, or transferred in accordance~~)) manufacture, own, buy, sell, loan, furnish, transport, assemble, or repair, or have in possession or under control, a short-barreled rifle, or any part designed or intended solely and exclusively for use in a short-barreled rifle or in converting a weapon into a short-barreled rifle, if the person is in compliance with applicable federal law.

(3) Subsection (1) of this section shall not apply to:

(a) Any peace officer in the discharge of official duty or traveling to or from official duty, or to any officer or member of the armed forces of the United States or the state of Washington in the discharge of official duty or traveling to or from official duty; or

(b) A person, including an employee of such person if the employee has undergone fingerprinting and a background check, who or which is exempt from or licensed under federal law, and engaged in the production, manufacture, repair, or testing of machine guns, short-barreled shotguns, or short-barreled rifles:

(i) To be used or purchased by the armed forces of the United States;

(ii) To be used or purchased by federal, state, county, or municipal law enforcement agencies; or

(iii) For exportation in compliance with all applicable federal laws and regulations.

(4) It shall be an affirmative defense to a prosecution brought under this section that the machine gun or short-barreled shotgun was acquired prior to July 1, 1994, and is possessed in compliance with federal law.

(5) Any person violating this section is guilty of a class C felony.

Passed by the Senate March 7, 2016.
Passed by the House March 1, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 215

[Substitute Senate Bill 6179]
WATER BANKING--INFORMATION

AN ACT Relating to water banking; amending RCW 90.42.130; and adding a new section to chapter 90.42 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 90.42.130 and 2014 c 76 s 9 are each amended to read as follows:

(((~~(1)~~))) The department shall seek input from agricultural organizations, federal agencies, tribal governments, local governments, watershed groups, conservation groups, and developers on water banking, including water banking procedures and identification of areas in Washington ((~~state~~)) where water banking could assist in providing water supplies for instream and out-of-stream uses.

(((~~(2) The department shall maintain information on its web site regarding water banking, including information on water banks and related programs in various areas of the state.~~)))

NEW SECTION. **Sec. 2.** A new section is added to chapter 90.42 RCW to read as follows:

(1)(a) The department must maintain information on its web site regarding water banking, including information on water banks and related programs in various areas of the state.

(b) The information maintained on the department's web site under this subsection must include a schedule or table for each water bank that shows:

(i) The amount charged for mitigation, including any fees;

(ii) If applicable, the priority date of the water rights made available for mitigation;

(iii) The amount of water made available for mitigation;

(iv) If applicable, any geographic areas in the state where the department may issue permits or other approvals to use the water rights associated with the water bank as mitigation;

(v) The processes utilized by the water bank to obtain approval from the department, or any other applicable governmental agency, to use the water rights as mitigation for new water uses; and

(vi) The nature of the ownership interest of the water right available to be conveyed to the landowner and whether the ownership interest will be recorded on the title.

(2) The department must update the schedule or table required under this section on a quarterly basis, using information provided to the department by the operator of each water bank. Any person operating a water bank in Washington must provide the information required under this section to the department upon request.

Passed by the Senate March 7, 2016.
Passed by the House March 4, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 216

[Senate Bill 6205]

CORPORATE MERGERS AND ACQUISITIONS--ACQUIRING PERSON--DEFINITION

AN ACT Relating to clarifying when a person is an acquiring person of a target corporation with more than one class of voting stock; and amending RCW 23B.19.020, 23B.19.030, and 23B.19.040.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 23B.19.020 and 2015 c 176 s 2147 are each amended to read as follows:

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

(1) "Acquiring person" means a person or group of persons, other than the target corporation or a subsidiary of the target corporation, who ((~~beneficially owns~~)) is the beneficial owner of voting shares entitled to cast votes comprising ten percent or more of the ((~~outstanding voting shares~~)) voting power of the target corporation((~~. The~~)); provided, however, that the term "acquiring person" does not include ((~~a~~)) any person who (a) beneficially owned voting shares entitled to cast votes comprising ten percent or more of the ((~~outstanding voting shares~~)) voting power of the target corporation on March 23, 1988; (b) ((~~acquires its shares~~)) acquired its voting shares of the target corporation solely by gift, inheritance, or in a transaction in which no consideration is exchanged; (c) equals or exceeds the ten percent threshold as a result of action taken solely by the target corporation, such as redemption of shares, unless that person, by its own action, acquires additional voting shares of the target corporation; (d)

beneficially ((~~was the owner of~~)) owned voting shares entitled to cast votes comprising ten percent or more of the ((~~outstanding voting shares~~)) voting power of the target corporation prior to the time the target corporation had a class of voting shares registered with the securities and exchange commission pursuant to section 12 or 15 of the exchange act; or (e) beneficially was the owner of ten percent or more of the outstanding voting shares prior to the time the target corporation amended its articles of incorporation to provide that the corporation shall be subject to the provisions of this chapter. An agent, bank, broker, nominee, or trustee for another person, if the other person is not an acquiring person, who acts in good faith and not for the purpose of circumventing this chapter, is not an acquiring person. For the purpose of determining whether a person is an acquiring person, the number of voting shares of the target corporation that are outstanding shall include voting shares beneficially owned by the person through application of subsection (4) of this section, but shall not include any other unissued voting shares of the target corporation which may be issuable pursuant to any agreement, arrangement, or understanding; or upon exercise of conversion rights, warrants, or options; or otherwise.

(2) "Affiliate" means a person who directly or indirectly controls, or is controlled by, or is under common control with, a person.

(3) "Announcement date," when used in reference to any significant business transaction, means the date of the first public announcement of the final, definitive proposal for such a significant business transaction.

(4) "Associate" means (a) a domestic or foreign corporation or organization of which a person is an officer, director, member, or partner or in which a person performs a similar function; (b) a direct or indirect beneficial owner of ten percent or more of any class of equity securities of a person; (c) a trust or estate in which a person has a beneficial interest or as to which a person serves as trustee or in a similar fiduciary capacity; and (d) the spouse or a parent or sibling of a person or a child, grandchild, sibling, parent, or spouse of any thereof, of a person or an individual having the same home as a person.

(5) ((~~"Beneficial ownership," when used with respect to any shares, means ownership by a person:~~

~~(a) Who, individually or with or through any of its affiliates or associates, beneficially owns such shares, directly or indirectly; or~~

~~(b) Who, individually or with or through any of its affiliates or associates, has (i) the right to acquire the shares, whether the right is exercisable immediately or only after the passage of time, pursuant to any agreement, arrangement, or understanding, whether or not in writing, or upon the exercise of conversion rights, exchange rights, warrants or options, or otherwise. A person is not the beneficial owner of shares tendered pursuant to a tender or exchange offer made by the person or any of the person's affiliates or associates until the tendered shares are accepted for purchase or exchange; or (ii) the right to vote the shares pursuant to any agreement, arrangement, or understanding, whether or not in writing. A person is not the beneficial owner of any shares under (b)(ii) of this subsection if the agreement, arrangement, or understanding to vote the shares arises solely from a revocable proxy or consent given in response to a proxy or consent solicitation made in accordance with the applicable rules and regulations under the exchange act and is not then reportable on schedule 13D under the exchange act, or any comparable or successor report; or~~

~~(c) Who has any agreement, arrangement, or understanding, whether or not in writing, for the purpose of acquiring, holding, voting, except voting pursuant to a revocable proxy or consent as described in (b)(ii) of this subsection, or disposing of the shares with any other person who beneficially owns, or whose affiliates or associates beneficially own, directly or indirectly, the shares.~~)) (a)(i) "Beneficial owner" when used with respect to any shares means a person who individually or with or through any of its affiliates or associates:

(A) Has or shares:

(I) The power to vote, or to direct the voting of, the shares, directly or indirectly;

(II) The power to dispose, or to direct the disposition of, the shares, directly or indirectly;

(III) The right to acquire the shares, whether the right is exercisable immediately or only after the passage of time, pursuant to any agreement, arrangement, or understanding, whether or not in writing, or upon the exercise of conversion rights, exchange rights, warrants or options, or otherwise; or

(IV) The right to vote the shares pursuant to any agreement, arrangement, or understanding, whether or not in writing; or

(B) Has any agreement, arrangement, or understanding, whether or not in writing, for the purpose of acquiring, holding, voting, or disposing of the shares with any other person who beneficially owns, or whose affiliates or associates beneficially own, directly or indirectly, the shares.

(ii)(A) A person is not the beneficial owner of shares under (a)(i)(A)(III) of this subsection with respect to shares tendered pursuant to a tender or exchange offer made by the person or any of the person's affiliates or associates until the tendered shares are accepted for purchase or exchange.

(B) A person is not the beneficial owner of any shares under (a)(i)(A)(IV) of this subsection if the agreement, arrangement, or understanding to vote the shares arises solely from a revocable proxy or consent given in response to a proxy or consent solicitation made in accordance with the applicable rules and regulations under the exchange act and is not then reportable on schedule 13D under the exchange act, or any comparable or successor report.

(C) A person is not the beneficial owner of any shares under (a)(i)(B) of this subsection if the agreement, arrangement, or understanding for the purpose of voting the shares arises solely from a revocable proxy or consent given in response to a proxy or consent solicitation made in accordance with the applicable rules and regulations under the exchange act and is not then reportable on schedule 13D under the exchange act, or any comparable or successor report.

(b) The terms "beneficial ownership," "beneficially own," and "beneficially owned" have meanings correlative to the meaning of "beneficial owner."

(6) "Common shares" means any shares other than preferred shares.

(7) "Consummation date," with respect to any significant business transaction, means the date of consummation of such a significant business transaction, or, in the case of a significant business transaction as to which a shareholder vote is taken, the later of the business day prior to the vote or twenty days prior to the date of consummation of such a significant business transaction.

(8) "Control," "controlling," "controlled by," and "under common control with," means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise. A person's beneficial ownership of ((~~ten percent or more of a domestic or foreign corporation's outstanding voting shares~~)) voting shares entitled to cast votes comprising ten percent or more of the voting power of a domestic or foreign corporation shall create a rebuttable presumption that such person has control of such corporation. However, a person does not have control of a domestic or foreign corporation if the person holds voting shares, in good faith and not for the purpose of circumventing this chapter, as an agent, bank, broker, nominee, custodian, or trustee for one or more beneficial owners who do not individually or as a group have control of such corporation.

(9) "Domestic corporation" means an issuer of voting shares which is organized under chapter 23B.02 RCW or any predecessor provision.

(10) "Exchange act" means the federal securities exchange act of 1934, as amended.

(11) "Market value," in the case of property other than cash or shares, means the fair market value of the property on the date in question as determined by the board of directors of the target corporation in good faith.

(12) "Person" means an individual, domestic or foreign corporation, partnership, trust, unincorporated association, or other entity; an affiliate or associate of any such person; or any two or more persons acting as a partnership, syndicate, or other group for the purpose of acquiring, holding, or dispersing of securities of a domestic or foreign corporation.

(13) "Preferred shares" means any class or series of shares of a target corporation which under the bylaws or articles of incorporation of such a corporation is entitled to receive payment of dividends prior to any payment of dividends on some other class or series of shares, or is entitled in the event of any voluntary liquidation, dissolution, or winding up of the target corporation to receive payment or distribution of a preferential amount before any payments or distributions are received by some other class or series of shares.

(14) "Share acquisition time" means the time at which a person first becomes an acquiring person of a target corporation.

(15) "Shares" means any:

(a) Shares or similar security, any certificate of interest, any participation in any profit sharing agreement, any voting trust certificate, or any certificate of deposit for shares; and

(b) Security convertible, with or without consideration, into shares, or any warrant, call, or other option or privilege of buying shares without being bound to do so, or any other security carrying any right to acquire, subscribe to, or purchase shares.

((~~(15)~~)) (16) "Significant business transaction" means:

(a) A merger, share exchange, or consolidation of a target corporation or a subsidiary of a target corporation with (i) an acquiring person, or (ii) any other domestic or foreign corporation which is, or after the merger, share exchange, or consolidation would be, an affiliate or associate of the acquiring person;

(b) A sale, lease, exchange, mortgage, pledge, transfer, or other disposition or encumbrance, whether in one transaction or a series of transactions, to or with

an acquiring person or an affiliate or associate of an acquiring person of assets of a target corporation or a subsidiary of a target corporation (i) having an aggregate market value equal to five percent or more of the aggregate market value of all the assets, determined on a consolidated basis, of the target corporation, (ii) having an aggregate market value equal to five percent or more of the aggregate market value of all the outstanding shares of the target corporation, or (iii) representing five percent or more of the earning power or net income, determined on a consolidated basis, of the target corporation;

(c) The termination, while the corporation has an acquiring person and as a result of the acquiring person's acquisition of ten percent or more of the shares of the corporation, of five percent or more of the employees of the target corporation or its subsidiaries employed in this state, whether at one time or over the five-year period following the share acquisition time. For the purposes of (c) of this subsection, a termination other than an employee's death or disability or bona fide voluntary retirement, transfer, resignation, termination for cause under applicable common law principles, or leave of absence shall be presumed to be a termination resulting from the acquiring person's acquisition of shares, which presumption is rebuttable. A bona fide voluntary transfer of employees between the target corporation and its subsidiaries or between its subsidiaries is not a termination for the purposes of (c) of this subsection;

(d) The issuance, transfer, or redemption by a target corporation or a subsidiary of a target corporation, whether in one transaction or a series of transactions, of shares or of options, warrants, or rights to acquire shares of a target corporation or a subsidiary of a target corporation to or beneficially owned by an acquiring person or an affiliate or associate of an acquiring person except pursuant to the exercise of warrants or rights to purchase shares offered, or a dividend, distribution, or redemption paid or made pro rata to, all shareholders or holders of options, warrants, or rights to acquire shares of the target corporation, and except for involuntary redemptions permitted by the target corporation's charter or by the law of this state or the state of incorporation;

(e) The liquidation or dissolution of a target corporation proposed by, or pursuant to an agreement, arrangement, or understanding, whether or not in writing, with an acquiring person or an affiliate or associate of an acquiring person;

(f) A reclassification of securities, including, without limitation, any shares split, shares dividend, or other distribution of shares in respect of stock, or any reverse shares split, or recapitalization of a target corporation, or a merger or consolidation of a target corporation with a subsidiary of the target corporation, or any other transaction, whether or not with or into or otherwise involving an acquiring person, proposed by, or pursuant to an agreement, arrangement, or understanding, whether or not in writing, with an acquiring person or an affiliate or associate of an acquiring person, that has the effect, directly or indirectly, of increasing the proportionate share of the outstanding shares of a class or series of voting shares or securities convertible into voting shares of a target corporation or a subsidiary of the target corporation that is directly or indirectly owned by an acquiring person or an affiliate or associate of an acquiring person, except as a result of immaterial changes due to fractional share adjustments; or

(g) A receipt by an acquiring person or an affiliate or associate of an acquiring person of the benefit, directly or indirectly, except proportionately as a

shareholder of a target corporation, of loans, advances, guarantees, pledges, or other financial assistance or tax credits or other tax advantages provided by or through a target corporation.

((~~(16) "Share acquisition time" means the time at which a person first becomes an acquiring person of a target corporation.~~))

(17) "Subsidiary" means a domestic or foreign corporation that has a majority of its outstanding voting shares owned, directly or indirectly, by another domestic or foreign corporation.

(18) "Tangible assets" means tangible real and personal property of all kinds. It shall also include leasehold interests in tangible real and personal property.

(19) "Target corporation" means:

(a) Every domestic corporation, if:

(i) The corporation has a class of voting shares registered with the securities and exchange commission pursuant to section 12 or 15 of the exchange act; or

(ii) The corporation's articles of incorporation have been amended to provide that such a corporation shall be subject to the provisions of this chapter, if the corporation did not have a class of voting shares registered with the securities and exchange commission pursuant to section 12 or 15 of the exchange act on the effective date of that amendment; and

(b) Every foreign corporation required to register to transact business in this state pursuant to chapter 23B.15 RCW and, Article 5 of chapter 23.95 RCW, if:

(i) The corporation has a class of voting shares registered with the securities and exchange commission pursuant to section 12 or 15 of the exchange act;

(ii) The corporation's principal executive office is located in the state;

(iii) The corporation has: (A) More than ten percent of its shareholders of record resident in the state; or (B) more than ten percent of its shares owned of record by state residents; or (C) one thousand or more shareholders of record resident in the state;

(iv) A majority of the corporation's employees, together with those of its subsidiaries, are residents of the state or the corporation, together with its subsidiaries, employs more than one thousand residents of the state; and

(v) A majority of the corporation's tangible assets, together with those of its subsidiaries, measured by market value, are located in the state or the corporation, together with its subsidiaries, has more than fifty million dollars' worth of tangible assets located in the state.

For purposes of this subsection, the record date for determining the percentages and numbers of shareholders and shares shall be the last shareholder record date before the event requiring that the determination be made. A shareholder record date shall be determined pursuant to the comparable provision to RCW 23B.07.070 of the law of the state in which a foreign corporation is incorporated. If a shareholder record date has not been fixed by the board of directors within the preceding four months, the determination shall be made as of the end of the corporation's most recent fiscal quarter.

The residence of each shareholder is presumed to be the address appearing in the records of the corporation. Shares held of record by brokers or nominees shall be disregarded for purposes of calculating the percentages and numbers specified in this subsection. Shares of a corporation allocated to the account of an employee or former employee or beneficiaries of employees or former

employees of a corporation and held in a plan that is qualified under section 401(a) of the federal internal revenue code of 1986, as amended, and is a defined contribution plan within the meaning of section 414(i) of the code shall be deemed, for the purposes of this subsection, to be held of record by the employee to whose account such shares are allocated.

A domestic or foreign corporation shall be deemed to be a target corporation if the domestic or foreign corporation's failure to satisfy the requirements of this subsection is caused by the action of, or is the result of a proposal by, an acquiring person or affiliate or associate of an acquiring person.

(20) "Voting power" means the total number of votes entitled to be cast by all of the outstanding voting shares of a corporation.

(21) "Voting shares" means shares of all classes of a corporation entitled to vote generally in the election of directors.

Sec. 2. RCW 23B.19.030 and 1996 c 155 s 2 are each amended to read as follows:

This chapter does not apply to a significant business transaction of a target corporation with an acquiring person of the target corporation which became an acquiring person inadvertently, if the acquiring person (1) as soon as practicable, divests itself of a sufficient amount of the voting shares of the target corporation so that it no longer is the beneficial owner, directly or indirectly, of ((~~ten percent or more of the outstanding voting shares~~)) voting shares entitled to cast votes comprising ten percent or more of the voting power of the target corporation, and (2) would not at any time within the five-year period preceding the announcement date of the significant business transaction have been an acquiring person but for the inadvertent acquisition.

Sec. 3. RCW 23B.19.040 and 2009 c 189 s 56 are each amended to read as follows:

(1)(a) Notwithstanding anything to the contrary contained in this title, a target corporation shall not for a period of five years following the acquiring person's share acquisition time engage in a significant business transaction unless:

(i) It is exempted by RCW 23B.19.030;

(ii) The significant business transaction or the purchase of shares made by the acquiring person is approved prior to the acquiring person's share acquisition time by a majority of the members of the board of directors of the target corporation; or

(iii) At or subsequent to the acquiring person's share acquisition time, such significant business transaction is approved by a majority of the members of the board of directors of the target corporation and approved at an annual or special meeting of shareholders, and not by written consent, by the affirmative vote of at least two-thirds of the ((~~outstanding voting shares~~)) votes entitled to be cast by the outstanding voting shares of the target corporation, except shares beneficially owned by or under the voting control of the acquiring person.

(b) If a good faith proposal for a significant business transaction is made in writing to the board of directors of the target corporation prior to the significant business transaction or prior to the share acquisition time, the board of directors shall respond in writing, within thirty days or such shorter period, if any, as may be required by the exchange act setting forth its reasons for its decision

regarding the proposal. If a good faith proposal to purchase shares is made in writing to the board of directors of the target corporation, the board of directors, unless it responds affirmatively in writing within thirty days or a shorter period, if any, as may be required by the exchange act shall be deemed to have disapproved such share purchase.

(2) Except for a significant business transaction approved under subsection (1) of this section or exempted by RCW 23B.19.030, in addition to any other requirement, a target corporation shall not engage at any time in any significant business transaction described in RCW 23B.19.020((~~(15)~~)) (16) (a) or (e) with any acquiring person of such a corporation other than a significant business transaction that either meets all of the conditions of (a), (b), and (c) of this subsection or meets the conditions of (d) of this subsection:

(a) The aggregate amount of the cash and the market value as of the consummation date of consideration other than cash to be received per share by holders of outstanding common shares of such a target corporation in a significant business transaction is at least equal to the higher of the following:

(i) The highest per share price paid by such an acquiring person at a time when the person was the beneficial owner, directly or indirectly, of ((~~five percent or more of the outstanding voting shares~~)) voting shares entitled to cast votes comprising five percent or more of the voting power of a target corporation, for any shares of common shares of the same class or series acquired by it: (A) Within the five-year period immediately prior to the announcement date with respect to a significant business transaction; or (B) within the five-year period immediately prior to, or in, the transaction in which the acquiring person became an acquiring person, whichever is higher plus, in either case, interest compounded annually from the earliest date on which the highest per share acquisition price was paid through the consummation date at the rate for one-year United States treasury obligations from time to time in effect; less the aggregate amount of any cash dividends paid, and the market value of any dividends paid other than in cash, per share of common shares since the earliest date, up to the amount of the interest; and

(ii) The market value per share of common shares on the announcement date with respect to a significant business transaction or on the date of the acquiring person's share acquisition time, whichever is higher; plus interest compounded annually from such a date through the consummation date at the rate for one-year United States treasury obligations from time to time in effect; less the aggregate amount of any cash dividends paid, and the market value of any dividends paid other than in cash, per share of common shares since the date, up to the amount of the interest.

(b) The aggregate amount of the cash and the market value as of the consummation date of consideration other than cash to be received per share by holders of outstanding shares of any class or series of shares, other than common shares, of the target corporation is at least equal to the highest of the following, whether or not the acquiring person has previously acquired any shares of such a class or series of shares:

(i) The highest per share price paid by an acquiring person at a time when the person was the beneficial owner, directly or indirectly, of ((~~five percent or more of the outstanding voting shares~~)) voting shares entitled to cast votes comprising five percent or more of the voting power of a resident domestic

corporation, for any shares of the same class or series of shares acquired by it: (A) Within the five-year period immediately prior to the announcement date with respect to a significant business transaction; or (B) within the five-year period immediately prior to, or in, the transaction in which the acquiring person became an acquiring person, whichever is higher; plus, in either case, interest compounded annually from the earliest date on which the highest per share acquisition price was paid through the consummation date at the rate for one-year United States treasury obligations from time to time in effect; less the aggregate amount of any cash dividends paid, and the market value of any dividends paid other than in cash, per share of the same class or series of shares since the earliest date, up to the amount of the interest;

(ii) The highest preferential amount per share to which the holders of shares of the same class or series of shares are entitled in the event of any voluntary liquidation, dissolution, or winding up of the target corporation, plus the aggregate amount of any dividends declared or due as to which the holders are entitled prior to payment of dividends on some other class or series of shares, unless the aggregate amount of the dividends is included in the preferential amount; and

(iii) The market value per share of the same class or series of shares on the announcement date with respect to a significant business transaction or on the date of the acquiring person's share acquisition time, whichever is higher; plus interest compounded annually from such a date through the consummation date at the rate for one-year United States treasury obligations from time to time in effect; less the aggregate amount of any cash dividends paid and the market value of any dividends paid other than in cash, per share of the same class or series of shares since the date, up to the amount of the interest.

(c) The consideration to be received by holders of a particular class or series of outstanding shares, including common shares, of the target corporation in a significant business transaction is in cash or in the same form as the acquiring person has used to acquire the largest number of shares of the same class or series of shares previously acquired by the person, and the consideration shall be distributed promptly.

(d) The significant business transaction is approved at an annual meeting of shareholders, or special meeting of shareholders called for such a purpose, no earlier than five years after the acquiring person's share acquisition time, by a majority of the votes entitled to be counted within each voting group entitled to vote separately on the transaction. The votes of all outstanding shares entitled to vote under this title or the articles of incorporation shall be entitled to be counted under this subsection except that the votes of shares as to which an acquiring person has beneficial ownership or voting control may not be counted to determine whether shareholders have approved a transaction for purposes of this subsection. The votes of shares as to which an acquiring person has beneficial ownership or voting control shall, however, be counted in determining whether a transaction is approved under other sections of this title and for purposes of determining a quorum.

(3) Subsection (2) of this section does not apply to a target corporation that on June 6, 1996, had a provision in its articles of incorporation, adopted under RCW 23B.17.020(3)(d), expressly electing not to be covered under RCW 23B.17.020, which is repealed by section 6, chapter 155, Laws of 1996.

(4) A significant business transaction that is made in violation of subsection (1) or (2) of this section and that is not exempt under RCW 23B.19.030 is void.

Passed by the Senate February 15, 2016.
Passed by the House March 3, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 217

[Substitute Senate Bill 6211]

NONPROFIT HOMEOWNERSHIP DEVELOPMENT--PROPERTY TAX EXEMPTION

AN ACT Relating to the exemption of property taxes for nonprofit homeownership development; amending RCW 84.36.805, 84.36.815, 84.36.820, 84.36.840, 84.36.845, and 84.36.855; adding a new section to chapter 84.36 RCW; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

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

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

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

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

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

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

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

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

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

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

NEW SECTION. **Sec. 2.** A new section is added to chapter 84.36 RCW to read as follows:

(1) All real property owned by a nonprofit entity for the purpose of developing or redeveloping on the real property one or more residences to be sold to low-income households is exempt from state and local property taxes.

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

(a) The date on which the nonprofit entity transfers title to the real property;

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

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

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

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

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

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

(b) Upon disqualification, the county treasurer must collect an additional tax equal to all taxes that would have been paid on the property but for the existence of the exemption, plus interest at the same rate and computed in the same way as that upon delinquent property taxes.

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

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

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

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

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

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

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

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

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

(d) "Residence" means a single-family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands.

Sec. 3. RCW 84.36.805 and 2014 c 99 s 13 are each amended to read as follows:

(1) In order to qualify for an exemption under this chapter, the nonprofit organizations, associations, or corporations must satisfy the conditions in this section.

(2) The property must be used exclusively for the actual operation of the activity for which exemption is granted, unless otherwise provided, and does not exceed an amount reasonably necessary for that purpose. Notwithstanding anything to the contrary in this section:

(a) The loan or rental of the property does not subject the property to tax if:

(i) The rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemptions under RCW 84.36.030(4), 84.36.037, 84.36.050, and 84.36.060(1) (a) and (b), the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising events does not subject the property to tax if the fund-raising events are consistent with the purposes for which the exemption is granted or are conducted by a nonprofit organization. If the property is loaned or rented to conduct a fund-raising event, the requirements of (a) of this subsection (2) apply;

(c) An inadvertent use of the property in a manner inconsistent with the purpose for which exemption is granted does not subject the property to tax, if the inadvertent use is not part of a pattern of use. A pattern of use is presumed when an inadvertent use is repeated in the same assessment year or in two or more successive assessment years.

(3) The facilities and services must be available to all regardless of race, color, national origin or ancestry.

(4) The organization, association, or corporation must be duly licensed or certified where such licensing or certification is required by law or regulation.

(5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller does not qualify for exempt status. This subsection does not apply to property sold to a nonprofit entity, as defined in RCW 84.36.560(7), by:

(a) A nonprofit as defined in RCW 84.36.800 that is exempt from income tax under 26 U.S.C. Sec. 501(c) of the federal internal revenue code;

(b) A governmental entity established under RCW 35.21.660, 35.21.670, or 35.21.730;

(c) A housing authority created under RCW 35.82.030;

(d) A housing authority meeting the definition in RCW 35.82.210(2)(a); or

(e) A housing authority established under RCW 35.82.300.

(6) The department must have access to its books in order to determine whether the nonprofit organization, association, or corporation is exempt from taxes under this chapter.

(7) This section does not apply to exemptions granted under RCW 84.36.020, 84.36.032, 84.36.250, section 2 of this act, and 84.36.480(2).

(8)(a) The use of property exempt under this chapter, other than as specifically authorized by this chapter, nullifies the exemption otherwise available for the property for the assessment year. However, the exemption is not

nullified by the use of the property by any individual, group, or entity, where such use is not otherwise authorized by this chapter, for not more than fifty days in each calendar year, and the property is not used for pecuniary gain or to promote business activities for more than fifteen of the fifty days in each calendar year. The fifty and fifteen-day limitations provided in this subsection (8)(a) do not include days during which setup and takedown activities take place immediately preceding or following a meeting or other event by an individual, group, or entity using the property as provided in this subsection (8)(a).

(b) If uses of the exempt property exceed the fifty and fifteen-day limitations provided in (a) of this subsection (8) during an assessment year, the exemption is removed for the affected portion of the property for that assessment year.

Sec. 4. RCW 84.36.815 and 2007 c 111 s 301 are each amended to read as follows:

(1) In order to qualify for exempt status for any real or personal property under this chapter except personal property under RCW 84.36.600, all foreign national governments; cemeteries; nongovernmental nonprofit corporations, organizations, and associations; hospitals owned and operated by a public hospital district for purposes of exemption under RCW 84.36.040(2); and soil and water conservation districts ((~~shall~~)) must file an initial application on or before March 31st with the state department of revenue. However, the initial application deadline for the exemption provided in section 2 of this act is July 1st for 2016 and March 31st for 2017 and thereafter. All applications ((~~shall~~)) must be filed on forms prescribed by the department and ((~~shall~~)) must be signed by an authorized agent of the applicant.

(2) In order to requalify for exempt status, all applicants except nonprofit cemeteries ((~~shall~~)) and nonprofits receiving the exemption under section 2 of this act must file an annual renewal declaration on or before March 31st each year. The renewal declaration ((~~shall~~)) must be on forms prescribed by the department of revenue and ((~~shall~~)) must contain a statement certifying the exempt status of the real or personal property owned by the exempt organization. This renewal declaration may be submitted electronically in a format provided or approved by the department. Information may also be required with the renewal declaration to assist the department in determining whether the property tax exemption should continue.

(3) When an organization acquires real property qualified for exemption or converts real property to exempt status, the organization ((~~shall~~)) must file an initial application for the property within sixty days following the acquisition or conversion in accordance with all applicable provisions of subsection (1) of this section. If the application is filed after the expiration of the sixty-day period, a late filing penalty ((~~shall be~~)) is imposed under RCW 84.36.825.

(4) When organizations acquire real property qualified for exemption or convert real property to an exempt use, the property, upon approval of the application for exemption, is entitled to a property tax exemption for property taxes due and payable the following year. If the owner has paid taxes for the year following the year the property qualified for exemption, the owner is entitled to a refund of the amount paid on the property so acquired or converted.

(5) The department must share approved initial applications for the tax preference provided in section 2 of this act with the joint legislative audit and

review committee, upon request by the committee, in order for the committee to complete its review of the tax preference provided in section 2 of this act.

Sec. 5. RCW 84.36.820 and 2007 c 111 s 302 are each amended to read as follows:

On or before January 1st of each year, the department of revenue ((~~shall~~)) must notify the owners of record of property exempted from property taxation at their last known address about the obligation to file an annual renewal declaration for continued exemption. When a continued exemption is not approved, the department ((~~shall~~)) must notify the assessor of the county in which the property is located who, in turn, ((~~shall~~)) must remove the tax exemption from the property. The failure to file an annual renewal declaration for continued exemption and subsequent removal of the exemption ((~~shall~~)) is not ((~~be~~)) subject to review as provided in RCW 84.36.850. The department of revenue ((~~shall~~)) must review applications received after the ((~~March 31st~~)) due date required under RCW 84.36.815, but these applications ((~~shall be~~)) are subject to late filing penalties provided in RCW 84.36.825.

Sec. 6. RCW 84.36.840 and 2007 c 111 s 305 are each amended to read as follows:

(1) In order to determine whether organizations, associations, corporations, or institutions, except those exempted under RCW 84.36.020, section 2 of this act, and 84.36.030, are exempt from property taxes, and before the exemption ((~~shall be~~)) is allowed for any year, the superintendent or manager or other proper officer of the organization, association, corporation, or institution claiming exemption from taxation ((~~shall~~)) must file with the department of revenue a statement certifying that the income and the receipts thereof, including donations to it, have been applied to the actual expenses of operating and maintaining it, or for its capital expenditures, and to no other purpose. This report ((~~shall~~)) must also include a statement of the receipts and disbursements of the exempt organization, association, corporation, or institution.

(2) Educational institutions claiming exemption under RCW 84.36.050 ((~~shall~~)) must also file a list of all property claimed to be exempt, the purpose for which it is used, the revenue derived from it for the preceding year, the use to which the revenue was applied, the number of students who attended the school or college, the total revenues of the institution with the source from which they were derived, and the purposes to which the revenues were applied, listing the items of such revenues and expenditures in detail.

(3) The reports required under subsections (1) and (2) of this section may be submitted electronically, in a format provided or approved by the department, or mailed to the department. The reports ((~~shall~~)) must be submitted on or before March 31st of each year. The department ((~~shall~~)) must remove the tax exemption from the property of any organization, association, corporation, or institution that does not file the required report with the department on or before the due date. However, the department ((~~shall~~)) must allow a reasonable extension of time for filing upon receipt of a written request on or before the required filing date and for good cause shown therein.

Sec. 7. RCW 84.36.845 and 1973 2nd ex.s. c 40 s 15 are each amended to read as follows:

If subsequent to the time that the exemption of any property is initially approved or renewed, it ((~~shall be~~)) is determined that such exemption was approved or renewed as the result of inaccurate information provided by the authorized agent of the applicant, the exemption ((~~shall~~)) must be revoked and taxes ((~~shall~~)) must be levied against such property pursuant to the provisions of RCW 84.36.810 or section 2(4) of this act for exemptions granted under section 2 of this act.

Sec. 8. RCW 84.36.855 and 1973 2nd ex.s. c 40 s 17 are each amended to read as follows:

Except as otherwise provided by law, property ((~~which~~)) that changes from exempt to taxable status ((~~shall be~~)) is subject to the provisions of RCW 84.36.810 and 84.40.350 through 84.40.390, and the assessor ((~~shall~~)) must also place the property on the assessment roll for taxes due and payable in the following year.

NEW SECTION. **Sec. 9.** This act applies to taxes levied in 2016 for collection in 2017 and thereafter.

Passed by the Senate March 8, 2016.
Passed by the House March 3, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 218

[Engrossed Second Substitute Senate Bill 6242]

INDETERMINATE SENTENCE REVIEW BOARD--NOTICE AND TRANSPARENCY

AN ACT Relating to the indeterminate sentence review board; adding a new section to chapter 9.95 RCW; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds that the duties of the indeterminate sentence review board have been expanded beyond those envisioned when the sentencing reform act was adopted. Rather than an expiring jurisdiction tied to presentencing reform act prisoners, the indeterminate sentence review board has been given authority over the release and supervision of determinate plus sex offenders sentenced under RCW 9.94A.507, and the release and supervision of certain offenders who committed crimes while under the age of eighteen, pursuant to RCW 9.94A.730. In light of this expanded and important role within the criminal justice system, the legislature adopts immediate requirements for notice and transparency in release hearings, as well as recommending that chapter 9.95 RCW be updated by the relevant legislative committees in conjunction with the sentencing guidelines commission.

NEW SECTION. **Sec. 2.** A new section is added to chapter 9.95 RCW to read as follows:

(1) Upon receipt of a petition for early release submitted under RCW 9.94A.730, or upon determination of a parole eligibility review date pursuant to RCW 9.95.100 and 9.95.052, the indeterminate sentence review board must provide notice and a copy of a petition or parole eligibility documents to the sentencing court, prosecuting attorney, and crime victim or surviving family

member. The board may request the prosecuting attorney to assist in contacting the crime victim or surviving family member. If requested in writing by the sentencing court, the prosecuting attorney, or the crime victim or surviving family member, the indeterminate sentence review board must also provide any assessment, psychological evaluation, institutional behavior record, or other examination of the offender. Notice of the early release hearing date or parole eligibility date, and any evaluations or information relevant to the release decision, must be provided at least ninety days before the early release hearing or parole eligibility review hearing. The records described in this section, and other records reviewed by the board in response to the petition or parole eligibility review must be disclosed in full and without redaction. Copies of records to be provided to the sentencing court and prosecuting attorney under this section must be provided as required without regard to whether the board has received a request for copies.

(2) For the purpose of review by the board of a petition for early release or parole eligibility, it is presumed that none of the records reviewed are exempt from disclosure to the sentencing court, prosecuting attorney, and crime victim or surviving family member, in whole or in part. The board may not claim any exemption from disclosure for the records reviewed for an early release petition or parole eligibility review hearing.

(3) The board and its subcommittees must provide comprehensive minutes of all related meetings and hearings on a petition for early release or parole eligibility review hearing. The comprehensive minutes should include, but not be limited to, the board members present, the name of the petitioner seeking review, the purpose and date of the meeting or hearing, a listing of documents reviewed, the names of members of the public who testify, a summary of discussion, the motions or other actions taken, and the votes of board members by name. For the purposes of this subsection, "action" has the same meaning as in RCW 42.30.020. The comprehensive minutes must be publicly and conspicuously posted on the board's web site within thirty days of the meeting or hearing, without any information withheld or redacted. Nothing in this subsection precludes the board from receiving confidential input from the crime victim or surviving family member.

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

Sec. 3 was vetoed. See message at end of chapter.

Passed by the Senate February 16, 2016.

Passed by the House March 4, 2016.

Approved by the Governor April 1, 2016, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 4, 2016.

Note: Governor's explanation of partial veto is as follows:

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

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

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

For these reasons I have vetoed Section 3 of Engrossed Second Substitute Senate Bill No. 6242.

With the exception of Section 3, Engrossed Second Substitute Senate Bill No. 6242 is approved."

CHAPTER 219

[Senate Bill 6245]

SCHOOL VISION SCREENING--DISTANCE AND NEAR VISION

AN ACT Relating to visual screening in schools; and amending RCW 28A.210.020.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 28A.210.020 and 2009 c 556 s 18 are each amended to read as follows:

Every board of school directors shall have the power, and it shall be its duty to provide for and require screening for the visual and auditory acuity of all children attending schools in their districts to ascertain which if any of such children have defects sufficient to retard them in their studies. Visual screening shall include both distance and near vision screening. Auditory and visual screening shall be made in accordance with procedures and standards adopted by rule ((~~or regulation~~)) of the state board of health. Prior to the adoption or revision of such rules ((~~or regulations~~)) the state board of health shall seek the recommendations of the superintendent of public instruction regarding the administration of visual and auditory screening and the qualifications of persons competent to administer such screening. Persons performing visual screening may include, but are not limited to, ophthalmologists, optometrists, or opticians who donate their professional services to schools or school districts. If a vision professional who donates his or her services identifies a vision defect sufficient to affect a student's learning, the vision professional must notify the school nurse and/or the school principal in writing and may not contact the student's parents or guardians directly. A school official shall inform parents or guardians of students in writing that a visual examination was recommended, but may not communicate the name or contact information of the vision professional conducting the screening.

Passed by the Senate February 10, 2016.

Passed by the House March 4, 2016.

Approved by the Governor April 1, 2016.

Filed in Office of Secretary of State April 4, 2016.

CHAPTER 220

[Engrossed Substitute Senate Bill 6248]

COAL PLANTS--TRANSITION--RETIREMENT ACCOUNTS

AN ACT Relating to a pathway for a transition of eligible coal units; and adding a new chapter to Title 80 RCW.

Be it enacted by the Legislature of the State of Washington:

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

(1) "Eligible coal plant" means a coal-fired electric generation facility that: (a) Had two or fewer generating units as of January 1, 1980, and four generating units as of January 1, 2016; (b) is owned by more than one electrical company as of January 1, 2016; and (c) provides, as a portion of the load served by the coal-fired electric generation facility, electricity paid for in rates by customers in the state of Washington.

(2) "Eligible coal unit" means any generating unit of an eligible coal plant.

NEW SECTION. **Sec. 2.** (1) The commission may, after conducting an adjudicative proceeding under chapters 34.05 and 80.04 RCW, authorize an electrical company to place amounts from one or more regulatory liabilities into a retirement account established pursuant to RCW 80.04.350 to cover decommissioning and remediation costs of eligible coal units that commenced commercial operations before January 1, 1980.

(2) Regulatory liabilities placed in a retirement account pursuant to subsection (1) of this section must: (a) Not be used for any purpose other than the funding and recovery of prudently incurred decommissioning and remediation costs for such eligible coal units; (b) except as provided in RCW 80.04.350, not be reduced, altered, impaired, or limited from the date of commission approval of the inclusion of the regulatory liabilities in the retirement account until all prudently incurred decommissioning and remediation costs for such coal units are recovered or paid in full; and (c) provide that any remaining funds in the retirement account, after recovery by the electrical company of all prudently incurred decommissioning and remediation costs for such eligible coal units, be returned to customers.

***NEW SECTION.** Sec. 3. (1) If an electrical company proposes a closure date or retires from service an eligible coal unit that commenced commercial operations before January 1, 1980, prior to December 31, 2022, then the commission may not authorize the electrical company to use regulatory liabilities placed in a retirement account for decommissioning and remediation costs pursuant to section 2 of this act.*

(2) Subsection (1) of this section does not apply if an electrical company demonstrates to the commission that a decision to retire from service an eligible coal unit that commenced commercial operations before January 1, 1980, prior to December 31, 2022:

(a) Is prudent as determined by evidence showing the continued operation of an eligible coal unit is economically or technologically unfeasible or requires a capital investment that is outside the scope of a prudent improvement or investment or the eligible coal unit has reached the end of its useful life; or

(b) Does not meet the standard in (a) of this subsection but is attributable to the actions of a co-owner or operator of the eligible coal unit over whom the electrical company does not exercise control.

****Sec. 3 was vetoed. See message at end of chapter.***

NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute a new chapter in Title 80 RCW.

Passed by the Senate February 17, 2016.

Passed by the House March 4, 2016.

Approved by the Governor April 1, 2016, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 4, 2016.

Note: Governor's explanation of partial veto is as follows:

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

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

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

For these reasons I have vetoed Section 3 of Engrossed Substitute Senate Bill No. 6248.

With the exception of Section 3, Engrossed Substitute Senate Bill No. 6248 is approved."

CHAPTER 221

[Substitute Senate Bill 6261]

HUMAN REMAINS--VARIOUS PROVISIONS

AN ACT Relating to human remains; amending RCW 68.50.050 and 68.50.020; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 68.50.050 and 2011 c 96 s 48 are each amended to read as follows:

(1) Any person, not authorized or directed by the coroner or ((~~his~~)) medical examiner or ((~~her~~)) their deputies, who removes the body of a deceased person not claimed by a relative or friend, or ((~~who came to their death by reason of violence or from unnatural causes or where there shall exist reasonable grounds for the belief that such death has been caused by unlawful means at the hands of another~~)) moves, disturbs, molests, or interferes with the human remains coming

within the jurisdiction of the coroner or medical examiner as set forth in RCW 68.50.010, to any undertaking rooms or elsewhere, or any person who knowingly directs, aids, or abets such unauthorized moving, disturbing, molesting, or taking, and any person who ((~~in any way~~)) knowingly conceals the ((~~body of a deceased person for the purpose of taking the same to any undertaking rooms or elsewhere~~)) human remains, shall in each of said cases be guilty of a gross misdemeanor ((~~and upon conviction thereof shall be punished by fine of not more than one thousand dollars, or by imprisonment in the county jail for up to three hundred sixty-four days or by both fine and imprisonment in the discretion of the court~~)).

(2) In evaluating whether it is necessary to retain jurisdiction and custody of human remains under RCW 68.50.010, 68.50.645, and 27.44.055, the coroner or medical examiner shall consider the deceased's religious beliefs, if known, including the tenets, customs, or rites related to death and burial.

(3) For purposes of this section and unless the context clearly requires otherwise, "human remains" has the same meaning as defined in RCW 68.04.020. Human remains also includes, but is not limited to, skeletal remains.

Sec. 2. RCW 68.50.020 and 1987 c 331 s 55 are each amended to read as follows:

It shall be the duty of every person who knows of the existence and location of ((~~a dead body~~)) human remains coming under the jurisdiction of the coroner or medical examiner as set forth in RCW 68.50.010 or 27.44.055, to notify the coroner, medical examiner, or law enforcement thereof in the most expeditious manner possible, unless such person shall have good reason to believe that such notice has already been given. Any person knowing of the existence of such ((~~dead body~~)) human remains and not having good reason to believe that the coroner has notice thereof and who shall fail to give notice to the coroner as aforesaid, shall be guilty of a misdemeanor. For purposes of this section and unless the context clearly requires otherwise, "human remains" has the same meaning as defined in RCW 68.04.020. Human remains also includes, but is not limited to, skeletal remains.

Passed by the Senate March 8, 2016.
Passed by the House March 4, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 222

[Substitute Senate Bill 6264]

CERTAIN WSPRS AND LEOFF MEMBERS--PURCHASE OF ANNUITIES

AN ACT Relating to allowing certain Washington state patrol retirement system and law enforcement officers' and firefighters' members to purchase annuities; adding a new section to chapter 43.43 RCW; adding new sections to chapter 41.26 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 43.43 RCW to read as follows, but because of its temporary nature is not codified:

(1) A retiree whose retirement was effective before July 24, 2015, may purchase an annuity under subsection (2) of this section between January 1, 2017, and June 1, 2017.

(2) Retirees who meet the requirements of subsection (1) of this section may purchase an optional actuarially equivalent life annuity benefit from the Washington state patrol retirement fund established in RCW 43.43.130. A minimum payment of twenty-five thousand dollars is required.

(a) Subject to rules adopted by the department, a member purchasing an annuity under this section must pay all of the cost with an eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan.

(b) The department shall adopt rules to ensure that all eligible rollovers and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

(c) "Eligible retirement plan" means a tax qualified plan offered by a governmental employer.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.26 RCW under the subchapter heading "plan 1" to read as follows:

(1) At the time of retirement, plan 1 members may purchase an optional actuarially equivalent life annuity benefit from the Washington law enforcement officers' and firefighters' retirement system plan 1 retirement fund established in RCW 41.50.075. A minimum payment of twenty-five thousand dollars is required.

(2) Subject to rules adopted by the department, a member purchasing an annuity under this section must pay all of the cost with an eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan.

(a) The department shall adopt rules to ensure that all eligible rollovers and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

(b) "Eligible retirement plan" means a tax qualified plan offered by a governmental employer.

(3) Plan 1 members whose retirement was effective prior to the effective date of this section may purchase an annuity under this section between January 1, 2017, and June 1, 2017.

NEW SECTION. **Sec. 3.** A new section is added to chapter 41.26 RCW under the subchapter heading "plan 2" to read as follows, but because of its temporary nature is not codified:

(1) A plan 2 retiree whose retirement was effective before June 1, 2014, may purchase an annuity under this section between January 1, 2017, and June 1, 2017.

(2) Plan 2 retirees who meet the requirements of subsection (1) of this section may purchase an optional actuarially equivalent life annuity benefit from the Washington law enforcement officers' and firefighters' retirement system plan 2 retirement fund established in RCW 41.50.075. A minimum payment of twenty-five thousand dollars is required.

(a) Subject to rules adopted by the department, a retiree purchasing an annuity under this section must pay all of the cost with an eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan.

(b) The department shall adopt rules to ensure that all eligible rollovers and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

(c) "Eligible retirement plan" means a tax qualified plan offered by a governmental employer.

NEW SECTION. **Sec. 4.** If specific funding for purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void.

Passed by the Senate March 8, 2016.
Passed by the House March 4, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 223

[Senate Bill 6274]

COLUMBIA RIVER RECREATIONAL SALMON AND STEELHEAD ENDORSEMENTS PROGRAM

AN ACT Relating to the Columbia river recreational salmon and steelhead endorsement program; amending RCW 77.12.712, 77.12.714, 77.12.716, 77.12.718, and 77.32.580; amending 2009 c 420 s 7 and 2011 c 339 s 40 (uncodified); creating a new section; and providing expiration dates.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 77.12.712 and 2009 c 420 s 2 are each amended to read as follows:

The department shall create and administer a Columbia river recreational salmon and steelhead ((~~pilot stamp~~)) endorsement program. The program must facilitate continued and, to the maximum extent possible, improved recreational salmon and steelhead selective fishing opportunities on the Columbia river and its tributaries by supplementing the resources available to the department to carry out the scientific monitoring and evaluation, data collection, permitting, reporting, enforcement, and other activities necessary to provide such opportunities.

Sec. 2. RCW 77.12.714 and 2009 c 420 s 4 are each amended to read as follows:

The Columbia river recreational salmon and steelhead ((~~pilot stamp~~)) endorsement program account is created in the custody of the state treasurer. All receipts from Columbia river salmon and steelhead ((~~stamp or~~)) endorsement purchases under RCW 77.32.580 and gifts made for purposes of the Columbia river recreational salmon and steelhead ((~~pilot stamp~~)) endorsement program must be deposited into the account. Expenditures from the account may be used only for purposes of the program created in RCW 77.12.712. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 3. RCW 77.12.716 and 2009 c 420 s 5 are each amended to read as follows:

(1) The department shall administer the Columbia river recreational salmon and steelhead ((~~pilot stamp~~)) endorsement program in consultation with a Columbia river salmon and steelhead recreational anglers board. The board shall serve in an advisory capacity to the department.

(2) The department shall solicit recommendations for membership on the Columbia river salmon and steelhead recreational anglers board from recognized recreational fishing organizations of the Columbia river, and the director or director's designee shall give deference to such recommendations when selecting board members. In making these selections, the director or director's designee shall seek to provide equitable representation from the various geographic areas of the Columbia river. The board must consist of no fewer than six and no more than ten members at any one time.

(3) The Columbia river salmon and steelhead recreational anglers board shall make annual recommendations to the department regarding program expenditures. To the maximum extent possible, the board and department shall seek to reach consensus regarding program activities and expenditures. The director or the director's designee shall provide the board with a written explanation when the department expends funds from the Columbia river recreational salmon and steelhead ((~~pilot stamp~~)) endorsement program account created in RCW 77.12.714 in a manner that differs substantially from board recommendations.

(4) Columbia river salmon and steelhead recreational anglers board members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 4. RCW 77.12.718 and 2009 c 420 s 6 are each amended to read as follows:

(1) The department shall maintain updated information about Columbia river recreational salmon and steelhead endorsement program revenue and expenditures on its internet site. The information may include project summaries, analysis and figures similar to the 2014 report to the legislature on the program, and other information deemed appropriate by the department and the Columbia river salmon and steelhead recreational anglers board.

(2) By December 1, 2014, the department and the Columbia river salmon and steelhead recreational anglers board shall review the Columbia river recreational salmon and steelhead ((~~pilot stamp~~)) endorsement program, prepare a brief summary of the activities conducted under the program, and provide this

summary and a recommendation whether the program should be continued to the appropriate committees of the senate and house of representatives.

Sec. 5. RCW 77.32.580 and 2011 c 339 s 14 are each amended to read as follows:

(1) In addition to a recreational license required under this chapter, a Columbia river salmon and steelhead ((~~stamp or~~)) endorsement is required in order for any person fifteen years of age or older to fish recreationally for salmon or steelhead in the Columbia river and its tributaries where these fisheries have been authorized by the department. The cost for each ((~~stamp or~~)) endorsement is seven dollars and fifty cents for residents and nonresidents and six dollars for youth and seniors. The department shall deposit all receipts from ((~~stamp or~~)) endorsement purchases into the Columbia river recreational salmon and steelhead ((~~pilot stamp~~)) endorsement program account created in RCW 77.12.714.

(2) For the purposes of this section and RCW 77.12.712 and 77.12.714 through 77.12.718, the term "Columbia river" means the Columbia river from a line across the Columbia river between Rocky Point in Washington and Tongue Point in Oregon to the Chief Joseph dam.

NEW SECTION. **Sec. 6.** The department of fish and wildlife and the Columbia river salmon and steelhead recreational anglers board must develop a process for individuals and organizations to submit project proposals to the board for review and consideration. The process must be developed by December 1, 2016.

Sec. 7. 2009 c 420 s 7 (uncodified) is amended to read as follows:

Sections 2 through 6 of this act expire June 30, ((~~2016~~)) 2017.

Sec. 8. 2011 c 339 s 40 (uncodified) is amended to read as follows:

Section 14 of this act expires June 30, ((~~2016~~)) 2017.

NEW SECTION. **Sec. 9.** Sections 1 through 5 of this act expire June 30, 2017.

Passed by the Senate March 10, 2016.
Passed by the House March 4, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 224

[Engrossed Substitute Senate Bill 6309]

SERVICE CONTRACT AND PROTECTION PRODUCT GUARANTEE PROVIDERS--REGISTRATION

AN ACT Relating to registered service contract and protection product guarantee providers; and amending RCW 48.110.030, 48.110.040, 48.110.050, 48.110.055, and 48.110.902.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 48.110.030 and 2014 c 82 s 2 are each amended to read as follows:

(1) A person may not act as, or offer to act as, or hold himself or herself out to be a service contract provider in this state, nor may a service contract be sold

to a consumer in this state, unless the service contract provider has a valid registration as a service contract provider issued by the commissioner.

(2) Applicants to be a service contract provider must make an application to the commissioner upon a form to be furnished by the commissioner. The application must include or be accompanied by the following information and documents:

(a) All basic organizational documents of the service contract provider, including any articles of incorporation, articles of association, partnership agreement, trade name certificate, trust agreement, shareholder agreement, bylaws, and other applicable documents, and all amendments to those documents;

(b) The identities of the service contract provider's executive officer or officers directly responsible for the service contract provider's service contract business, and, if more than fifty percent of the service contract provider's gross revenue is derived from the sale of service contracts, the identities of the service contract provider's directors and stockholders having beneficial ownership of ten percent or more of any class of securities;

(c)(i) For service contract providers relying on RCW 48.110.050(2) (a) or (b) or 48.110.075(2)(a) to assure the faithful performance of its obligations to service contract holders, the most recent audited annual financial statements ((~~or other financial reports acceptable to the commissioner for the two most recent years~~)), if available, or the most recent audited financial statements which prove that the applicant is solvent ((~~and any information the commissioner may require in order to review the current financial condition of the applicant. If the service contract provider is relying on RCW 48.110.050(2)(c) to assure the faithful performance of its obligations to service contract holders, then the audited financial statements of the service contract provider's parent company must also be filed. In lieu of submitting audited financial statements, a service contract provider relying on RCW 48.110.050(2)(a) or 48.110.075(2)(a) to assure the faithful performance of its obligations to service contract holders may comply with the requirements of this subsection (2)(c) by submitting annual financial statements of the applicant that are certified as accurate by two or more officers of the applicant;~~)). In lieu of submitting audited financial statements, a service contract provider relying on RCW 48.110.050(2)(a) or 48.110.075(2)(a) to assure the faithful performance of its obligations to service contract holders may comply with the requirements of this subsection (2)(c)(i) by submitting the most recent annual financial statements, if available, or the most recent financial statements of the applicant that are certified as accurate by two or more officers of the applicant; or

(ii) For service contract providers relying on RCW 48.110.050(2)(c) to assure the faithful performance of its obligations to service contract holders, the most recent audited annual financial statements, if available, or the most recent audited financial statements or form 10-K or form 20-F filed with the securities and exchange commission which prove that the applicant has and maintains a net worth or stockholder's equity of one hundred million dollars or more. However, if the service contract provider is relying on its parent company's net worth or stockholder's equity to meet the requirements of RCW 48.110.050(2)(c) and the service contract provider has provided the commissioner with a written guarantee by the parent company in accordance

with RCW 48.110.050(2)(c), then the most recent audited annual financial statements, if available, or the most recent audited financial statements or form 10-K or form 20-F filed with the securities and exchange commission of the service contract provider's parent company must be filed and the applicant need not submit its own financial statements or demonstrate a minimum net worth or stockholder's equity; and

(d) An application fee of two hundred fifty dollars, which must be deposited into the general fund((~~; and~~

~~(e) Any other pertinent information required by the commissioner~~)).

(3) Each registered service contract provider must appoint the commissioner as the service contract provider's attorney to receive service of legal process issued against the service contract provider in this state upon causes of action arising within this state. Service upon the commissioner as attorney constitutes effective legal service upon the service contract provider.

(a) With the appointment the service contract provider must designate the person to whom the commissioner must forward legal process so served upon him or her.

(b) The appointment is irrevocable, binds any successor in interest or to the assets or liabilities of the service contract provider, and remains in effect for as long as there could be any cause of action against the service contract provider arising out of any of the service contract provider's contracts or obligations in this state.

(c) The service of process must be accomplished and processed in the manner prescribed under RCW 48.02.200.

(4) The commissioner may refuse to issue a registration if the commissioner determines that the service contract provider, or any individual responsible for the conduct of the affairs of the service contract provider under subsection (2)(b) of this section, is not competent, trustworthy, financially responsible, or has had a license as a service contract provider or similar license denied or revoked for cause by any state.

(5) A registration issued under this section is valid, unless surrendered, suspended, or revoked by the commissioner, or not renewed for so long as the service contract provider continues in business in this state and remains in compliance with this chapter. A registration is subject to renewal annually on the first day of July upon application of the service contract provider and payment of a fee of two hundred dollars, which must be deposited into the general fund. If not so renewed, the registration expires on the June 30th next preceding.

(6) A service contract provider must keep current the information required to be disclosed in its registration under this section by reporting all material changes or additions within thirty days after the end of the month in which the change or addition occurs.

Sec. 2. RCW 48.110.040 and 2006 c 274 s 5 are each amended to read as follows:

(1)(a) Every registered service contract provider must file an annual report for the preceding calendar year with the commissioner on or before March 1st of each year, or within any extension of time the commissioner for good cause may grant. The report must be in the form and contain those matters as the commissioner prescribes and shall be verified by at least two officers of the service contract provider.

(b)(i) A service contract provider relying on RCW 48.110.050(2)(a) or 48.110.075(2)(a) to assure the faithful performance of its obligations to service contract holders may not be required to submit audited financial statements of the service contract provider as part of its annual reports. If requested by the commissioner, a service contract provider relying on those provisions must provide a copy of the most recent annual financial statements of the service contract provider or its parent company certified as accurate by two officers of the service contract provider or its parent company.

(ii) A service contract provider relying on its parent company's net worth to meet the requirements of RCW 48.110.050(2)(c) to assure the faithful performance of its obligations to service contract holders must submit as part of its annual report the most recent audited financial statements or form 10-K or form 20-F filed with the United States securities and exchange commission of the service contract provider's parent company if requested by the commissioner but need not submit its own audited financial statements.

(2) At the time of filing the report, the service contract provider must pay a filing fee of twenty dollars which shall be deposited into the general fund.

(3) As part of any investigation by the commissioner, the commissioner may require a service contract provider to file monthly financial reports whenever, in the commissioner's discretion, there is a need to more closely monitor the financial activities of the service contract provider. Monthly financial statements must be filed in the commissioner's office no later than the twenty-fifth day of the month following the month for which the financial report is being filed. These monthly financial reports are the internal financial statements of the service contract provider. The monthly financial reports that are filed with the commissioner constitute information that might be damaging to the service contract provider if made available to its competitors, and therefore shall be kept confidential by the commissioner. This information may not be made public or be subject to subpoena, other than by the commissioner and then only for the purpose of enforcement actions taken by the commissioner.

Sec. 3. RCW 48.110.050 and 2006 c 274 s 6 are each amended to read as follows:

(1) Service contracts shall not be issued, sold, or offered for sale in this state or sold to consumers in this state unless the service contract provider has:

(a) Provided a receipt for, or other written evidence of, the purchase of the service contract to the contract holder; and

(b) Provided a copy of the service contract to the service contract holder within a reasonable period of time from the date of purchase.

(2) In order to either demonstrate its financial responsibility or assure the faithful performance of the service contract provider's obligations to its service contract holders, every service contract provider shall comply with the requirements of one of the following:

(a) Insure all service contracts under a reimbursement insurance policy issued by an insurer holding a certificate of authority from the commissioner or a risk retention group, as defined in 15 U.S.C. Sec. 3901(a)(4), as long as that risk retention group is in full compliance with the federal liability risk retention act of 1986 (15 U.S.C. Sec. 3901 et seq.), is in good standing in its domiciliary jurisdiction, and is properly registered with the commissioner under chapter

48.92 RCW. The insurance required by this subsection must meet the following requirements:

(i) The insurer or risk retention group must, at the time the policy is filed with the commissioner, and continuously thereafter, maintain surplus as to policyholders and paid-in capital of at least fifteen million dollars and annually file audited financial statements with the commissioner; and

(ii) The commissioner may authorize an insurer or risk retention group that has surplus as to policyholders and paid-in capital of less than fifteen million dollars, but at least equal to ten million dollars, to issue the insurance required by this subsection if the insurer or risk retention group demonstrates to the satisfaction of the commissioner that the company maintains a ratio of direct written premiums, wherever written, to surplus as to policyholders and paid-in capital of not more than three to one;

(b)(i) Maintain a funded reserve account for its obligations under its service contracts issued and outstanding in this state. The reserves shall not be less than forty percent of the gross consideration received, less claims paid, on the sale of the service contract for all in-force contracts. The reserve account shall be subject to examination and review by the commissioner; and

(ii) Place in trust with the commissioner a financial security deposit, having a value of not less than five percent of the gross consideration received, less claims paid, on the sale of the service contract for all service contracts issued and in force, but not less than twenty-five thousand dollars, consisting of one of the following:

(A) A surety bond issued by an insurer holding a certificate of authority from the commissioner;

(B) Securities of the type eligible for deposit by authorized insurers in this state;

(C) Cash;

(D) An irrevocable evergreen letter of credit issued by a qualified financial institution; or

(E) Another form of security prescribed by rule by the commissioner; or

(c)(i) Maintain, or its parent company maintain, a net worth or stockholder's equity of at least one hundred million dollars; and

(ii) Upon request, provide the commissioner with a copy of the service contract provider's or, if using the net worth or stockholder's equity of its parent company to satisfy the one hundred million dollar requirement, the service contract provider's parent company's most recent form 10-K or form 20-F filed with the securities and exchange commission within the last calendar year, or if the company does not file with the securities and exchange commission, a copy of the service contract provider's or, if using the net worth or stockholder's equity of its parent company to satisfy the one hundred million dollar requirement, the service contract provider's parent company's most recent audited financial statements, which shows a net worth of the service contract provider or its parent company of at least one hundred million dollars. If the service contract provider's parent company's form 10-K, form 20-F, or audited financial statements are filed with the commissioner to meet the service contract provider's financial stability requirement, then the parent company shall agree to guarantee the obligations of the service contract provider relating to service contracts sold by the service contract provider in this state. A copy of the

guarantee shall be filed with the commissioner. The guarantee shall be irrevocable as long as there is in force in this state any contract or any obligation arising from service contracts guaranteed, unless the parent company has made arrangements approved by the commissioner to satisfy its obligations under the guarantee.

(3) Service contracts shall require the service contract provider to permit the service contract holder to return the service contract within twenty days of the date the service contract was mailed to the service contract holder or within ten days of delivery if the service contract is delivered to the service contract holder at the time of sale, or within a longer time period permitted under the service contract. Upon return of the service contract to the service contract provider within the applicable period, if no claim has been made under the service contract prior to the return to the service contract provider, the service contract is void and the service contract provider shall refund to the service contract holder, or credit the account of the service contract holder with the full purchase price of the service contract. The right to void the service contract provided in this subsection is not transferable and shall apply only to the original service contract purchaser. A ten percent penalty per month shall be added to a refund of the purchase price that is not paid or credited within thirty days after return of the service contract to the service contract provider.

(4) This section does not apply to service contracts on motor vehicles or to protection product guarantees.

Sec. 4. RCW 48.110.055 and 2011 c 47 s 17 are each amended to read as follows:

(1) This section applies to protection product guarantee providers.

(2) A person must not act as, or offer to act as, or hold himself or herself out to be a protection product guarantee provider in this state, nor may a protection product be sold to a consumer in this state, unless the protection product guarantee provider has:

(a) A valid registration as a protection product guarantee provider issued by the commissioner; and

(b) Either demonstrated its financial responsibility or assured the faithful performance of the protection product guarantee provider's obligations to its protection product guarantee holders by insuring all protection product guarantees under a reimbursement insurance policy issued by an insurer holding a certificate of authority from the commissioner or a risk retention group, as defined in 15 U.S.C. Sec. 3901(a)(4), as long as that risk retention group is in full compliance with the federal liability risk retention act of 1986 (15 U.S.C. Sec. 3901 et seq.), is in good standing in its domiciliary jurisdiction, and properly registered with the commissioner under chapter 48.92 RCW. The insurance required by this subsection must meet the following requirements:

(i) The insurer or risk retention group must, at the time the policy is filed with the commissioner, and continuously thereafter, maintain surplus as to policyholders and paid-in capital of at least fifteen million dollars and annually file audited financial statements with the commissioner; and

(ii) The commissioner may authorize an insurer or risk retention group that has surplus as to policyholders and paid-in capital of less than fifteen million dollars, but at least equal to ten million dollars, to issue the insurance required by this subsection if the insurer or risk retention group demonstrates to the

satisfaction of the commissioner that the company maintains a ratio of direct written premiums, wherever written, to surplus as to policyholders and paid-in capital of not more than three to one.

(3) Applicants to be a protection product guarantee provider must make an application to the commissioner upon a form to be furnished by the commissioner. The application must include or be accompanied by the following information and documents:

(a) The names of the protection product guarantee provider's executive officer or officers directly responsible for the protection product guarantee provider's protection product guarantee business and their biographical affidavits on a form prescribed by the commissioner;

(b) The name, address, and telephone number of any administrators designated by the protection product guarantee provider to be responsible for the administration of protection product guarantees in this state;

(c) A copy of the protection product guarantee reimbursement insurance policy or policies;

(d) A copy of each protection product guarantee the protection product guarantee provider proposes to use in this state;

(e) ((~~Any other pertinent information required by the commissioner~~)) The most recent annual financial statements, if available, or the most recent financial statements certified as accurate by two or more officers of the applicant which prove that the applicant is solvent; and

(f) A nonrefundable application fee of two hundred fifty dollars.

(4) Each registered protection product guarantee provider must appoint the commissioner as the protection product guarantee provider's attorney to receive service of legal process issued against the protection product guarantee provider in this state upon causes of action arising within this state. Service upon the commissioner as attorney constitutes effective legal service upon the protection product guarantee provider.

(a) With the appointment the protection product guarantee provider must designate the person to whom the commissioner must forward legal process so served upon him or her.

(b) The appointment is irrevocable, binds any successor in interest or to the assets or liabilities of the protection product guarantee provider, and remains in effect for as long as there could be any cause of action against the protection product guarantee provider arising out of any of the protection product guarantee provider's contracts or obligations in this state.

(c) The service of process must be accomplished and processed in the manner prescribed under RCW 48.02.200.

(5) The commissioner may refuse to issue a registration if the commissioner determines that the protection product guarantee provider, or any individual responsible for the conduct of the affairs of the protection product guarantee provider under subsection (3)(a) of this section, is not competent, trustworthy, financially responsible, or has had a license as a protection product guarantee provider or similar license denied or revoked for cause by any state.

(6) A registration issued under this section is valid, unless surrendered, suspended, or revoked by the commissioner, or not renewed for so long as the protection product guarantee provider continues in business in this state and remains in compliance with this chapter. A registration is subject to renewal

annually on the first day of July upon application of the protection product guarantee provider and payment of a fee of two hundred fifty dollars. If not so renewed, the registration expires on the June 30th next preceding.

(7) A protection product guarantee provider must keep current the information required to be disclosed in its registration under this section by reporting all material changes or additions within thirty days after the end of the month in which the change or addition occurs.

Sec. 5. RCW 48.110.902 and 2006 c 274 s 21 are each amended to read as follows:

(1) RCW 48.110.030 (2)(a) and (b), (3), and (4), 48.110.040, 48.110.060, 48.110.100, 48.110.110, 48.110.075 (2)(a) and (b) and (4)(e), and 48.110.073 (1) and (2) do not apply to motor vehicle service contracts issued by a motor vehicle manufacturer or import distributor covering vehicles manufactured or imported by the motor vehicle manufacturer or import distributor. For purposes of this section, "motor vehicle service contract" includes a contract or agreement sold for separately stated consideration for a specific duration to perform any of the services set forth in RCW 48.110.020(18)(b).

(2) RCW 48.110.030(2)(c) does not apply to a publicly traded motor vehicle manufacturer or import distributor.

(3) RCW 48.110.030 (2)(a) through (c), (3), and (4), 48.110.040, and 48.110.073(2) do not apply to wholly owned subsidiaries of motor vehicle manufacturers or import distributors.

(4) The adoption of chapter 274, Laws of 2006 does not imply that a vehicle protection product warranty was insurance prior to October 1, 2006.

Passed by the Senate February 17, 2016.
Passed by the House March 3, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 225

[Senate Bill 6325]

CIDER--ALCOHOL CONTENT--DEFINITION

AN ACT Relating to aligning the alcohol content definition of cider with the federal definition; and amending RCW 66.24.210.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 66.24.210 and 2012 c 20 s 2 are each amended to read as follows:

(1) There is hereby imposed upon all wines except cider sold to wine distributors and the Washington state liquor ((~~control~~)) and cannabis board, within the state a tax at the rate of twenty and one-fourth cents per liter. Any domestic winery or certificate of approval holder acting as a distributor of its own production shall pay taxes imposed by this section. There is hereby imposed on all cider sold to wine distributors and the Washington state liquor ((~~control~~)) and cannabis board within the state a tax at the rate of three and fifty-nine one-hundredths cents per liter. However, wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax.

(a) The tax provided for in this section shall be collected by direct payments based on wine purchased by wine distributors.

(b) Except as provided in subsection (7) of this section, every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. The board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(c) Any licensed retailer authorized to purchase wine from a certificate of approval holder with a direct shipment endorsement or a domestic winery shall make monthly reports to the liquor ((~~control~~)) and cannabis board on wine purchased during the preceding calendar month in the manner and upon such forms as may be prescribed by the board.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. After June 30, 1996, such additional tax does not apply to cider. An additional tax of five one-hundredths of one cent per liter is imposed on cider sold after June 30, 1996. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4) An additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to twenty-three and forty-four one-hundredths cents per liter on fortified wine as defined in RCW 66.04.010 when bottled or packaged by the manufacturer, one cent per liter on all other wine except cider, and eighteen one-hundredths of one cent per liter on cider. All revenues collected during any month from this additional tax shall be deposited in the state general fund by the twenty-fifth day of the following month.

(5)(a) An additional tax is imposed on all cider subject to tax under subsection (1) of this section. The additional tax is equal to two and four one-hundredths cents per liter of cider sold after June 30, 1996, and before July 1, 1997, and is equal to four and seven one-hundredths cents per liter of cider sold after June 30, 1997.

(b) All revenues collected from the additional tax imposed under this subsection (5) shall be deposited in the state general fund.

(6) For the purposes of this section, "cider" means table wine that contains not less than one-half of one percent of alcohol by volume and not more than ((~~seven~~)) eight and one-half percent of alcohol by volume and is made from the normal alcoholic fermentation of the juice of sound, ripe apples or pears. "Cider"

includes, but is not limited to, flavored, sparkling, or carbonated cider and cider made from condensed apple or pear must.

(7) For the purposes of this section, out-of-state wineries shall pay taxes under this section on wine sold and shipped directly to Washington state residents in a manner consistent with the requirements of a wine distributor under subsections (1) through (4) of this section, except wineries shall be responsible for the tax and not the resident purchaser.

(8) Notwithstanding any other provision of this section, any domestic winery or wine certificate of approval holder acting as a distributor of its own production that had total taxable sales of wine in Washington state of six thousand gallons or less during the calendar year preceding the date on which the tax would otherwise be due is not required to pay taxes under this section more often than annually.

Passed by the Senate February 15, 2016.

Passed by the House March 4, 2016.

Approved by the Governor April 1, 2016.

Filed in Office of Secretary of State April 4, 2016.

CHAPTER 226

[Substitute Senate Bill 6327]

HOSPITAL DISCHARGE PLANNING--LAY CAREGIVERS

AN ACT Relating to hospital discharge planning with lay caregivers; amending RCW 70.41.320; reenacting and amending RCW 70.41.020; and adding new sections to chapter 70.41 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 70.41.020 and 2015 c 23 s 5 are each reenacted and amended to read as follows:

Unless the context clearly indicates otherwise, the following terms, whenever used in this chapter, shall be deemed to have the following meanings:

(1) "Aftercare" means the assistance provided by a lay caregiver to a patient under this chapter after the patient's discharge from a hospital. The assistance may include, but is not limited to, assistance with activities of daily living, wound care, medication assistance, and the operation of medical equipment. "Aftercare" includes assistance only for conditions that were present at the time of the patient's discharge from the hospital. "Aftercare" does not include:

(a) Assistance related to conditions for which the patient did not receive medical care, treatment, or observation in the hospital; or

(b) Tasks the performance of which requires licensure as a health care provider.

(2) "Department" means the Washington state department of health.

((~~(2)~~)) (3) "Discharge" means a patient's release from a hospital following the patient's admission to the hospital.

(4) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine.

((~~(3)~~)) (5) "Emergency care to victims of sexual assault" means medical examinations, procedures, and services provided by a hospital emergency room to a victim of sexual assault following an alleged sexual assault.

((~~(4)~~)) (6) "Emergency contraception" means any health care treatment approved by the food and drug administration that prevents pregnancy, including but not limited to administering two increased doses of certain oral contraceptive pills within seventy-two hours of sexual contact.

((~~(5)~~)) (7) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physician's offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include birthing centers, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, intellectual disability, convulsive disorders, or other abnormal mental condition. Furthermore, nothing in this chapter or the rules adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denominations.

((~~(6)~~)) (8) "Lay caregiver" means any individual designated as such by a patient under this chapter who provides aftercare assistance to a patient in the patient's residence. "Lay caregiver" does not include a long-term care worker as defined in RCW 74.39A.009.

(9) "Originating site" means the physical location of a patient receiving health care services through telemedicine.

((~~(7)~~)) (10) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

((~~(8)~~)) (11) "Secretary" means the secretary of health.

((~~(9)~~)) (12) "Sexual assault" has the same meaning as in RCW 70.125.030.

((~~(10)~~)) (13) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. "Telemedicine" does not include the use of audio-only telephone, facsimile, or email.

((~~(11)~~)) (14) "Victim of sexual assault" means a person who alleges or is alleged to have been sexually assaulted and who presents as a patient.

NEW SECTION. **Sec. 2.** A new section is added to chapter 70.41 RCW to read as follows:

(1) In addition to the requirements in RCW 70.41.320, hospital discharge policies must ensure that the discharge plan is appropriate for the patient's physical condition, emotional and social needs, and, if a lay caregiver is designated takes into consideration, to the extent possible, the lay caregiver's abilities as disclosed to the hospital.

(2) As part of a patient's individualized treatment plan, discharge criteria must include, but not be limited to, the following components:

(a) The details of the discharge plan;

(b) Hospital staff assessment of the patient's ability for self-care after discharge;

(c) An opportunity for the patient to designate a lay caregiver;

(d) Documentation of any designated lay caregiver's contact information;

(e) A description of aftercare tasks necessary to promote the patient's ability to stay at home;

(f) An opportunity for the patient and, if designated, the patient's lay caregiver to participate in the discharge planning;

(g) Instruction or training provided to the patient and, if designated, the patient's lay caregiver, prior to discharge, to perform aftercare tasks. Instruction or training may include education and counseling about the patient's medications, including dosing and proper use of medication delivery devices when applicable; and

(h) Notification to a lay caregiver, if designated, of the patient's discharge or transfer.

(3) In the event that a hospital is unable to contact a designated lay caregiver, the lack of contact may not interfere with, delay, or otherwise affect the medical care provided to the patient, or an appropriate discharge of the patient.

NEW SECTION. **Sec. 3.** A new section is added to chapter 70.41 RCW to read as follows:

Section 2 of this act does not require a hospital to adopt discharge policies or criteria that:

(1) Delay a patient's discharge or transfer to another facility or to home; or

(2) Require the disclosure of protected health information to a lay caregiver without obtaining a patient's consent as required by state and federal laws governing health information privacy and security, including chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and related regulations.

NEW SECTION. **Sec. 4.** A new section is added to chapter 70.41 RCW to read as follows:

Nothing in section 2 of this act may be construed to:

(1) Interfere with the rights or duties of an agent operating under a valid health care directive under RCW 70.122.030;

(2) Interfere with designations made by a patient pursuant to a physician order for life-sustaining treatment under RCW 43.70.480;

(3) Interfere with the rights or duties of an authorized surrogate decision maker under RCW 7.70.065;

(4) Establish a new requirement to reimburse or otherwise pay for services performed by the lay caregiver for aftercare;

(5) Create a private right of action against a hospital or any of its directors, trustees, officers, employees, or agents, or any contractors with whom the hospital has a contractual relationship;

(6) Hold liable, in any way, a hospital, hospital employee, or any consultants or contractors with whom the hospital has a contractual relationship for the services rendered or not rendered by the lay caregiver to the patient at the patient's residence;

(7) Obligate a designated lay caregiver to perform any aftercare tasks for any patient;

(8) Require a patient to designate any individual as a lay caregiver as defined in RCW 70.41.020;

(9) Obviate the obligation of a health carrier as defined in RCW 48.43.005 or any other entity issuing health benefit plans to provide coverage required under a health benefit plan; and

(10) Impact, impede, or otherwise disrupt or reduce the reimbursement obligations of a health carrier or any other entity issuing health benefit plans.

Sec. 5. RCW 70.41.320 and 1998 c 245 s 127 are each amended to read as follows:

(1) Hospitals and acute care facilities shall:

(a) Work cooperatively with the department of social and health services, area agencies on aging, and local long-term care information and assistance organizations in the planning and implementation of patient discharges to long-term care services.

(b) Establish and maintain a system for discharge planning and designate a person responsible for system management and implementation.

(c) Establish written policies and procedures to:

(i) Identify patients needing further nursing, therapy, or supportive care following discharge from the hospital;

(ii) Subject to section 2 of this act, develop a documented discharge plan for each identified patient, including relevant patient history, specific care requirements, and date such follow-up care is to be initiated;

(iii) Coordinate with patient, family, caregiver, lay caregiver as provided in section 2 of this act, and appropriate members of the health care team which may include a long-term care worker or a home and community-based service provider. For the purposes of this subsection (1)(c)(iii), long-term care worker has the meaning provided in RCW 74.39A.009 and home and community-based service provider includes an adult family home as defined in RCW 70.128.010, an assisted living facility as defined in RCW 18.20.020, or a home care agency as defined in RCW 70.127.010;

(iv) Provide any patient, regardless of income status, written information and verbal consultation regarding the array of long-term care options available in the community, including the relative cost, eligibility criteria, location, and contact persons;

(v) Promote an informed choice of long-term care services on the part of patients, family members, and legal representatives; ((~~and~~))

(vi) Coordinate with the department and specialized case management agencies, including area agencies on aging and other appropriate long-term care providers, as necessary, to ensure timely transition to appropriate home, community residential, or nursing facility care; and

(vii) Inform the patient or his or her surrogate decision maker designated under RCW 7.70.065 if it is necessary to complete a valid disclosure authorization as required by state and federal laws governing health information privacy and security, including chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and related regulations, in order to allow disclosure of health care information, including the discharge plan, to an individual or entity that will be involved in the patient's care upon discharge, including a lay caregiver as defined in RCW 70.41.020, a long-term care worker as defined in RCW 74.39A.009, a home and community-based service provider such as an adult family home as defined in RCW 70.128.010, an assisted living facility as defined in RCW 18.20.020, or a home care agency as defined in RCW 70.127.010. If a valid disclosure authorization is obtained, the hospital may release information as designated by the patient for care coordination or other specified purposes.

(d) Work in cooperation with the department which is responsible for ensuring that patients eligible for medicaid long-term care receive prompt assessment and appropriate service authorization.

(2) In partnership with selected hospitals, the department of social and health services shall develop and implement pilot projects in up to three areas of the state with the goal of providing information about appropriate in-home and community services to individuals and their families early during the individual's hospital stay.

The department shall not delay hospital discharges but shall assist and support the activities of hospital discharge planners. The department also shall coordinate with home health and hospice agencies whenever appropriate. The role of the department is to assist the hospital and to assist patients and their families in making informed choices by providing information regarding home and community options.

In conducting the pilot projects, the department shall:

(a) Assess and offer information regarding appropriate in-home and community services to individuals who are medicaid clients or applicants; and

(b) Offer assessment and information regarding appropriate in-home and community services to individuals who are reasonably expected to become medicaid recipients within one hundred eighty days of admission to a nursing facility.

Passed by the Senate March 10, 2016.
Passed by the House March 10, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 227

[Engrossed Senate Bill 6589]

SKAGIT COUNTY--WATER STORAGE--STUDY

AN ACT Relating to a feasibility study to examine whether water storage would provide noninterruptible water resources to users of permit exempt wells; creating a new section; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) The department of ecology, in cooperation with the state department of health, Skagit county, tribes, and nonmunicipally owned public water systems in Skagit county, shall conduct a study to examine the feasibility of using effectively sized water storage to recharge the Skagit river basin when needed to meet minimum instream flows and provide noninterruptible water resources to users of permit exempt wells within the Skagit river basin.

(2) The department of ecology must submit a report of the study's findings to the standing committees of the legislature with oversight of water resources and fiscal issues by December 1, 2016.

(3) This section expires December 1, 2016.

Passed by the Senate February 16, 2016.
Passed by the House March 4, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 228

[Substitute Senate Bill 6338]

RURAL ELECTRIC ASSOCIATION MEMBERS--RIGHT TO DISSENT FROM MERGER

AN ACT Relating to the rights of dissenting members of cooperative associations in certain mergers; and amending RCW 23.86.135.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 23.86.135 and 1989 c 307 s 30 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a member of an association shall have the right to dissent from any of the following association actions:

((~~(1)~~)) (a) Any plan of merger or consolidation to which the association is a party;

((~~(2)~~)) (b) Any plan of conversion of the association to an ordinary business corporation; or

((~~(3)~~)) (c) Any sale or exchange of all or substantially all of the property and assets of the association not made in the usual and regular course of its business, including a sale in dissolution, but not including a sale pursuant to an order of a court having jurisdiction in the premises or a sale for cash on terms requiring that all or substantially all of the net proceeds of the sale be distributed to the members in accordance with their respective interests within one year from the date of sale.

(2) A member of a rural electric association is not entitled to dissent from a merger to which the association is a party if all members of the association have the right to continue their membership status in the surviving association on substantially similar terms.

Passed by the Senate March 7, 2016.
Passed by the House March 3, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 229

[Senate Bill 6345]

FRUIT AND VEGETABLE INSPECTION PROGRAM--ELIMINATION OF DISTRICTS

AN ACT Relating to merging the state department of agriculture's fruit and vegetable inspection districts and accounts; amending RCW 15.17.240 and 15.17.020; and repealing RCW 15.17.230 and 15.17.247.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 15.17.240 and 2002 c 322 s 2 are each amended to read as follows:

(1) The fruit and vegetable inspection account is created in the custody of the state treasurer. All fees collected under this chapter must be deposited into the account. The director may authorize expenditures from the account solely for the implementation and enforcement of this chapter and any other expenditures authorized by statute or session law and applying specifically to the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

((~~The director shall establish and maintain an account within the fruit and vegetable inspection account for each district established under RCW 15.17.230.~~))

(2) By August 1, 2004, and by August 1st of each even-numbered year thereafter, the director shall review the balance ((~~of each of the district accounts~~)) in the fruit and vegetable inspection account at the end of the previous fiscal year. If the balance in the ((~~district~~)) account exceeds the sum of the following: An amount equal to the total expenditures of the ((~~district~~)) program served by that account for the last six months of that previous fiscal year; any budgeted capital expenditures from the account for the current fiscal year; and six hundred thousand dollars, the director shall temporarily and equally, on a percentage basis, reduce each of the fees accruing to the ((~~district~~)) account until such time that the ((~~district~~)) account has a balance equal to the amount of the total expenditures from the account for the last seven months of the previous fiscal year, at which time the fees shall be returned to the amounts before the temporary reduction. In making the reductions, the director shall attempt to reduce fees for a twelve-month period so as to apply the reductions to as many of the persons who annually pay fees for services provided by the ((~~district~~)) program. The temporary fee reductions shall be initially provided through the adoption of emergency rules. The emergency and subsequent rules temporarily reducing the fees are exempt from the requirements of RCW 34.05.310 and chapter 19.85 RCW. These fees shall be reinstated through the expiration of the rules temporarily reducing them and the authority to reinstate them is hereby granted.

Sec. 2. RCW 15.17.020 and 2014 c 140 s 33 are each amended to read as follows:

For the purpose of this chapter:

(1) "Agent" means broker, commission merchant, solicitor, seller, or consignor, and any other person acting upon the actual or implied authority of another.

(2) "Certification" means, but is not limited to, the issuance by the director of an inspection certificate or other official document stating the grade,

classification, and/or condition of any fruits or vegetables, and/or if the fruits or vegetables are free of plant pests and/or other defects.

(3) "Combination grade" means two or more grades packed together as one, except cull grades, with a minimum percent of the product of the higher grade, as established by rule.

(4) "Compliance agreement" means an agreement entered into between the department and a shipper or packer, that authorizes the shipper or packer to issue certificates of compliance for fruits and vegetables.

(5) "Container" means any container or subcontainer used to prepackage any fruits or vegetables. This does not include a container used by a retailer to package fruits or vegetables sold from a bulk display to a consumer.

(6) "Deceptive arrangement or display" means any bulk lot or load, arrangement, or display of fruits or vegetables which has in the exposed surface, fruits or vegetables which are so superior in quality, size, condition, or any other respect to those which are concealed, or the unexposed portion, as to materially misrepresent any part of the bulk lot or load, arrangement, or display.

(7) "Deceptive pack" means the pack of any container which has in the outer layer or any exposed surface fruits or vegetables which are in quality, size, condition, or any other respect so superior to those in the interior of the container in the unexposed portion as to materially misrepresent the contents. Such pack is deceptive when the outer or exposed surface is composed of fruits or vegetables whose size is not an accurate representation of the variation of the size of the fruits or vegetables in the entire container, even though the fruits or vegetables in the container are virtually uniform in size or comply with the specific standards adopted under this chapter.

(8) "Department" means the department of agriculture of the state of Washington.

(9) "Director" means the director of the department or his or her duly authorized representative.

(10) ((~~"District manager" means a person representing the director in charge of overall operation of a fruit and vegetable inspection district established under RCW 15.17.230.~~

~~(11)~~)) "Facility" means, but is not limited to, the premises where fruits and vegetables are grown, stored, handled, or delivered for sale or transportation, and all vehicles and equipment, whether aerial or surface, used to transport fruits and vegetables.

((~~(12)~~)) (11) "Fruits and vegetables" means any unprocessed fruits or vegetables, but does not include marijuana as defined in RCW 69.50.101.

((~~(13)~~)) (12) "Handler" means any person engaged in the business of handling, selling, processing, storing, shipping, or distributing fruits or vegetables that he or she has purchased or acquired from a producer.

((~~(14)~~)) (13) "Inspection" means, but is not limited to, the inspection by the director of any fruits or vegetables at any time prior to, during, or subsequent to harvest.

((~~(15)~~)) (14) "Mislabel" means the placing or presence of any false or misleading statement, design, or device upon any wrapper, container, container label or lining, or any placard used in connection with and having reference to fruits or vegetables.

((~~(16)~~)) (15) "Person" means any individual, firm, partnership, corporation, company, society, or association, and every officer, agent, or employee thereof.

((~~(17)~~)) (16) "Plant pests" means, but is not limited to, any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substance, which can directly or indirectly injure or cause disease or damage in any plant or parts thereof, or any processed, manufactured, or other products of plants.

((~~(18)~~)) (17) "Sell" means to sell, offer for sale, hold for sale, or ship or transport in bulk or in containers.

((~~(19)~~)) (18) "Standards" means grades, classifications, and other inspection criteria for fruits and vegetables.

NEW SECTION. **Sec. 3.** The following acts or parts of acts are each repealed:

(1) RCW 15.17.230 (Fruit and vegetable inspection districts) and 2002 c 322 s 1, 1998 c 154 s 15, 1986 c 203 s 2, 1975 1st ex.s. c 7 s 1, 1969 ex.s. c 76 s 2, & 1963 c 122 s 23; and

(2) RCW 15.17.247 (District two—Transfer of funds—Control of Rhagoletis pomonella) and 2013 c 46 s 1 & 2009 c 208 s 1.

Passed by the Senate February 10, 2016.
Passed by the House March 3, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 230

[Substitute Senate Bill 6360]

TRAFFIC-BASED FINANCIAL OBLIGATIONS--CONSOLIDATION--WORK GROUP

AN ACT Relating to the consolidation of traffic-based financial obligations through a unified payment plan system; creating new sections; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) The office of the attorney general shall convene a work group of stakeholders to provide input and feedback on the development of a plan and program for the efficient statewide consolidation of an individual's traffic-based financial obligations imposed by courts of limited jurisdiction into a unified and affordable payment plan.

(2) The following must be invited to participate in the work group:

(a) The administrator for the courts or the administrator for the courts' designee;

(b) The director of the Washington state department of licensing or the director's designee;

(c) A district or municipal court judge, appointed by the district and municipal court judges' association;

(d) A prosecutor, appointed by the Washington association of prosecuting attorneys, or the prosecutor's designee;

(e) A public defender, jointly appointed by the Washington defender association and the Washington association of criminal defense lawyers;

(f) A district or municipal court administrator or manager, appointed by the district and municipal court management association;

(g) A representative of a civil legal aid organization, appointed by the office of civil legal aid;

(h) The chief of the Washington state patrol or the chief's designee;

(i) A representative of a statewide association of police chiefs and sheriffs, selected by the association;

(j) The director of the Washington traffic safety commission or the director's designee;

(k) A representative of a statewide association of city governments, selected by the association;

(l) A representative of a statewide association of counties, selected by the association; and

(m) A representative of a statewide association of collection professionals.

(3) The work group shall convene as necessary.

(4) The stakeholder work group shall provide final feedback and recommendations to the office of the attorney general no later than September 15, 2017.

NEW SECTION. **Sec. 2.** The office of the attorney general shall submit a report detailing its recommendations and the plan and program required by this act to the Washington state supreme court, the governor, and appropriate committees of the legislature no later than December 1, 2017.

NEW SECTION. **Sec. 3.** This act expires December 31, 2017.

Passed by the Senate February 17, 2016.
Passed by the House March 10, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 231

[Senate Bill 6371]

EARLY LEARNING PROGRAMS--DEFINITION OF AGENCY--SCHOOLS

AN ACT Relating to the definition of agency for purposes of early learning programs; and amending RCW 43.215.010.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.215.010 and 2015 3rd sp.s. c 7 s 19 are each amended to read as follows:

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

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies;

child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child care provider who regularly provides early childhood education and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of five million dollars in contributions;

(e) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection, even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools that are engaged primarily in early childhood education with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, and accept only school age children((~~, and do not accept custody of children~~));

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing child care for periods of less than twenty-four hours when a parent or legal guardian of the child remains on the premises of the facility for the purpose of participating in:

(i) Activities other than employment; or

(ii) Employment of up to two hours per day when the facility is operated by a nonprofit entity that also operates a licensed child care program at the same facility in another location or at another facility;

(i) Any entity that provides recreational or educational programming for school age children only and the entity meets all of the following requirements:

(i) The entity utilizes a drop-in model for programming, where children are able to attend during any or all program hours without a formal reservation;

(ii) The entity does not assume responsibility in lieu of the parent, unless for coordinated transportation;

(iii) The entity is a local affiliate of a national nonprofit; and

(iv) The entity is in compliance with all safety and quality standards set by the associated national agency;

(j) A program operated by any unit of local, state, or federal government ((~~or an agency,~~));

(k) A program located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(((~~(k)~~))) (l) A program located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(((~~(l)~~))) (m) A program that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Conviction information" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the applicant.

(5) "Department" means the department of early learning.

(6) "Director" means the director of the department.

(7) "Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

(8) "Early childhood education and assistance program contractor" means an organization that provides early childhood education and assistance program services under a signed contract with the department.

(9) "Early childhood education and assistance program provider" means an organization that provides site level, direct, and high quality early childhood education and assistance program services under the direction of an early childhood education and assistance program contractor.

(10) "Early start" means an integrated high quality continuum of early learning programs for children birth-to-five years of age. Components of early start include, but are not limited to, the following:

(a) Home visiting and parent education and support programs;

(b) The early achievers program described in RCW 43.215.100;

(c) Integrated full-day and part-day high quality early learning programs; and

(d) High quality preschool for children whose family income is at or below one hundred ten percent of the federal poverty level.

(11) "Education data center" means the education data center established in RCW 43.41.400, commonly referred to as the education research and data center.

(12) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

(13) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW 43.215.300(3).

(14) "Extended day program" means an early childhood education and assistance program that offers early learning education for at least ten hours per

day, a minimum of two thousand hours per year, at least four days per week, and operates year round.

(15) "Full day program" means an early childhood education and assistance program that offers early learning education for a minimum of one thousand hours per year.

(16) "Low-income child care provider" means a person who administers a child care program that consists of at least eighty percent of children receiving working connections child care subsidy.

(17) "Low-income neighborhood" means a district or community where more than twenty percent of households are below the federal poverty level.

(18) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:

(a) A decision issued by an administrative law judge;

(b) A final determination, decision, or finding made by an agency following an investigation;

(c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;

(d) A revocation, denial, or restriction placed on any professional license; or

(e) A final decision of a disciplinary board.

(19) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.

(20) "Nonschool age child" means a child who is age six years or younger and who is not enrolled in a public or private school.

(21) "Part day program" means an early childhood education and assistance program that offers early learning education for at least two and one-half hours per class session, at least three hundred twenty hours per year, for a minimum of thirty weeks per year.

(22) "Private school" means a private school approved by the state under chapter 28A.195 RCW.

(23) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(24) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(25) "School age child" means a child who is between the ages of five years and twelve years and is attending a public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

(26) "Washington state preschool program" means an education program for children three-to-five years of age who have not yet entered kindergarten, such as the early childhood education and assistance program.

Passed by the Senate February 10, 2016.

Passed by the House March 3, 2016.

Approved by the Governor April 1, 2016.

Filed in Office of Secretary of State April 4, 2016.

CHAPTER 232

[Engrossed Substitute Senate Bill 6427]

MOTOR VEHICLE SALES TO TRIBAL MEMBERS--TAXATION--DOCUMENTATION

AN ACT Relating to specifying the documentation that must be provided to determine when sales tax applies to the sale of a motor vehicle to a tribal member; and adding a new section to chapter 82.08 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 82.08 RCW to read as follows:

(1)(a) State sales tax is not imposed on the sale of a motor vehicle: (i) If delivered to a tribe or tribal member in their Indian country, or (ii) if the sale is made to a tribe or tribal member in their Indian country. A tribal member is not required to reside in Indian country for the exemption under this section to apply. However, the tribal member must have tax exempt status as a member of the tribe upon whose Indian country delivery is made.

(b) In order to substantiate the tax exempt status of a tribal member, the seller must require presentation of one of the following:

(i) The buyer's tribal membership or citizenship card;

(ii) The buyer's certificate of tribal enrollment; or

(iii) A letter signed by a tribal official confirming the buyer's tribal membership status.

(c)(i) To establish delivery for purposes of this section, the motor vehicle must be delivered to the tribe or tribal member in their Indian country. The seller must document the delivery by completing a declaration, which must be signed by the seller and the buyer. The declaration must be limited to attestation regarding the location of delivery and the enrollment status of the tribal member. The department may develop a form for the declaration.

(ii) No other proof of delivery may be accepted in place of or required in addition to the requirements in (c)(i) of this subsection.

(2) If the sale is made to the tribe or tribal member in their Indian country, the requirements in subsection (1)(c) of this section do not apply.

(3) The seller must retain copies of the documentation required under subsection (1) of this section for the period required in RCW 82.32.070.

(4) Nothing in this section may be construed to affect, amend, or modify federal law or Washington state tax law as applied to a tribal member or tribe.

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

(a) "Indian country" has the same meaning as provided in 18 U.S.C. Sec. 1151.

(b) "Tribe" means a federally recognized tribe.

(c) "Tribal member" means an enrolled member of a federally recognized tribe.

Passed by the Senate March 7, 2016.

Passed by the House March 2, 2016.

Approved by the Governor April 1, 2016.

Filed in Office of Secretary of State April 4, 2016.

CHAPTER 233

[Engrossed Second Substitute Senate Bill 6455]

PROFESSIONAL EDUCATOR WORKFORCE

AN ACT Relating to expanding the professional educator workforce by increasing career opportunities in education, creating a more robust enrollment forecasting, and enhancing recruitment efforts; amending RCW 28A.410.250, 28A.415.265, 28A.660.050, and 28B.15.558; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 28A.410 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28A.330 RCW; adding a new section to chapter 28B.102 RCW; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28B.76 RCW; creating new sections; and providing expiration dates.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction, in consultation with school districts, educational service districts, and other state agencies, shall develop and implement a comprehensive, statewide initiative to increase the number of qualified individuals who apply for teaching positions in Washington. In developing and implementing the initiative, the office of the superintendent of public instruction, in partnership with the employment security department, shall:

(a) Develop and implement a teacher recruitment campaign that targets groups of individuals who may be interested in teaching in Washington public schools, such as: College students who have not chosen a major; out-of-state teachers; military personnel and their spouses; and individuals with teaching certificates who are not currently employed as teachers;

(b) Incorporate certificated positions into the employment security department's existing web-based depository for job applications that allows for access by school districts in the state for purposes of hiring teachers and other certificated positions. The services and tools developed under this subsection must be made available initially to small school districts, and to larger districts as resources are available. When defining small districts for the purpose of this subsection, the office of the superintendent of public instruction must consider whether a district has fewer than three hundred certificated staff;

(c) Create or enhance an existing web site that provides useful information to individuals who are interested in teaching in Washington; and

(d) Take other actions to increase the number of qualified individuals who apply for teaching positions in Washington.

(2) By December 1, 2019, the office of the superintendent of public instruction shall assess the efficiency and effectiveness of the centralized web-based depository for job applications required under subsection (1)(b) of this section, and shall submit a report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, that recommends whether the requirement for the application depository be continued, modified, or terminated. In performing the assessment required in this subsection (2), the office must solicit and consider feedback from small school districts.

(3) This section expires July 1, 2020.

NEW SECTION. **Sec. 2.** (1) Subject to the availability of amounts appropriated for this specific purpose, the workforce training and education coordinating board, in collaboration with the professional educator standards board, shall work with the student achievement council, the office of the superintendent of public instruction, school districts, educational service districts, the state board for community and technical colleges, the institutions of higher education, major employers, and other parties to develop and disseminate information designed to increase recruitment into professional educator standards board-approved teacher preparation programs. The information must be disseminated statewide through existing channels.

(2) This section expires July 1, 2019.

NEW SECTION. **Sec. 3.** (1) Subject to the availability of amounts appropriated for this specific purpose, the professional educator standards board shall create and administer the recruitment specialists grant program to provide funds to professional educator standards board-approved teacher preparation programs to hire, or contract with, recruitment specialists that focus on recruitment of individuals who are from traditionally underrepresented groups among teachers in Washington when compared to the common school population.

(2) This section expires July 1, 2018.

Sec. 4. RCW 28A.410.250 and 2005 c 498 s 2 are each amended to read as follows:

The agency responsible for educator certification shall adopt rules for professional certification that:

(1) Provide maximum program choice for applicants, promote portability among programs, and promote maximum efficiency for applicants in attaining professional certification;

(2) Require professional certification no earlier than the fifth year following the year that the teacher first completes provisional status, with an automatic two-year extension upon enrollment;

(3) Grant professional certification to any teacher who attains certification from the national board for professional teaching standards;

(4) Permit any teacher currently enrolled in or participating in a program leading to professional certification to continue the program under administrative rules in place when the teacher began the program;

(5) Provide criteria for the approval of educational service districts, beginning no later than August 31, 2007, to offer programs leading to professional certification. The rules shall be written to encourage institutions of higher education and educational service districts to partner with local school districts or consortia of school districts, as appropriate, to provide instruction for teachers seeking professional certification;

(6) Encourage institutions of higher education to offer professional certificate coursework as continuing education credit hours. This shall not prevent an institution of higher education from providing the option of including the professional certification requirements as part of a master's degree program;

(7) Provide criteria for a liaison relationship between approved programs and school districts in which applicants are employed;

(8) Identify an expedited professional certification process for out-of-state teachers who have five years or more of successful teaching experience ((~~to demonstrate skills and impact on student learning commensurate with Washington requirements for professional certification. The rules may require these teachers, within one year of the time they begin to teach in the state's public schools, take a course in or show evidence that they can teach to the state's essential academic learning requirements~~)), including a method to determine the comparability of rigor between the Washington professional certification process and the advanced level teacher certification process of other states. A professional certificate must be issued to these experienced out-of-state teachers if the teacher holds: (a) A valid teaching certificate issued by the national board for professional teaching standards; or (b) an advanced level teacher certificate from another state that has been determined to be comparable to the Washington professional certificate; and

(9) Identify an evaluation process of approved programs that includes a review of the program coursework and applicant coursework load requirements, linkages of programs to individual teacher professional growth plans, linkages to school district and school improvement plans, and, to the extent possible, linkages to school district professional enrichment and growth programs for teachers, where such programs are in place in school districts. The agency shall provide a preliminary report on the evaluation process to the senate and house of representatives committees on education policy by November 1, 2005. The board shall identify:

(a) A process for awarding conditional approval of a program that shall include annual evaluations of the program until the program is awarded full approval;

(b) A less intensive evaluation cycle every three years once a program receives full approval unless the responsible agency has reason to intensify the evaluation;

(c) A method for investigating programs that have received numerous complaints from students enrolled in the program and from those recently completing the program;

(d) A method for investigating programs at the reasonable discretion of the agency; and

(e) A method for using, in the evaluation, both program completer satisfaction responses and data on the impact of educators who have obtained professional certification on student work and achievement.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.410 RCW to read as follows:

The agency responsible for educator certification shall adopt rules for professional certification that identify an expedited professional certification process for out-of-state teachers who have five years or more of successful teaching experience, including a method to determine the comparability of rigor between the Washington professional certification process and any United States federally issued or state-issued advanced level teacher certification process that allows an individual to teach internationally. A professional certificate must be issued to these experienced out-of-state teachers if the teacher holds a United States federally issued or state-issued advanced level teacher certificate that

allows the individual to teach internationally and that has been determined to be comparable to the Washington professional certificate.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.410 RCW to read as follows:

(1) By September 1, 2020, the Washington state institute for public policy must review the effect of the provisions in RCW 28A.410.250(8) and section 5 of this act and report to the appropriate committees of the legislature, in accordance with RCW 43.01.036. The review and report must include information on:

(a) The extent to which advanced level teacher certificates from other states compare to the standards and requirements of the Washington professional certificate;

(b) The extent to which United States federal or state-issued advanced level certificates that allow individuals to teach internationally compare to the standards and requirements of the Washington professional certificate; and

(c) Whether the provisions in RCW 28A.410.250(8) and section 5 of this act have increased the number of professional certifications issued to individuals from out-of-state.

(2) The Washington state institute for public policy must coordinate with state agencies including the office of the superintendent of public instruction, the employment security department, and the professional educator standards board to gather data that informs the review. These state agencies must cooperate in a timely manner with data requests in service of this review.

(3) This section expires July 1, 2021.

NEW SECTION. **Sec. 7.** A new section is added to chapter 41.32 RCW under the subchapter heading "provisions applicable to plan 2 and plan 3" to be codified between RCW 41.32.067 and 41.32.215 to read as follows:

In addition to the postretirement employment options available in RCW 41.32.802 or 41.32.862, and only until August 1, 2020, a teacher in plan 2 or plan 3 who has retired under the alternate early retirement provisions of RCW 41.32.765(3)(b) or 41.32.875(3)(b) may be employed with an employer for up to eight hundred sixty-seven hours per calendar year without suspension of his or her benefit, provided that: (1) The retired teacher reenters employment more than one calendar month after his or her accrual date and after the effective date of this section; (2) is employed exclusively as either a substitute teacher as defined in RCW 41.32.010(48)(a) in an instructional capacity, as opposed to other capacities identified in RCW 41.32.010(49); and (3) the employing school district compensates the district's substitute teachers at a rate that is at least eighty-five percent of the full daily amount allocated by the state to the district for substitute teacher compensation.

NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) By October 1st of each year, a school district must report to the office of the superintendent of public instruction:

(a) The number of substitute teachers hired per school year;

(b) The number of substitute teachers hired under section 5 of this act per school year;

(c) The full daily compensation rate per substitute teacher; and

(d) The reason for hiring the substitute teacher.

(2) By January 1st of each year, the office of the superintendent of public instruction must post on its web site the information identified in subsection (1) of this section.

NEW SECTION. **Sec. 9.** (1) Subject to the availability of amounts appropriated for this specific purpose, the professional educator standards board shall coordinate meetings between the school districts that do not have professional educator standards board-approved alternative route teacher certification programs and the nearest public or private institution of higher education with a professional educator standards board-approved teacher preparation program. The purpose of the meetings is to determine whether the districts and institutions can partner to apply to the professional educator standards board to operate an alternative route teacher certification program.

(2) Subject to the availability of amounts appropriated for this specific purpose, an institution of higher education, as defined in RCW 28B.10.016, with a professional educator standards board-approved teacher preparation program that does not operate a professional educator standards board-approved alternative route teacher certification program must seek approval from the professional educator standards board to offer an alternative route teacher certification program by submitting the proposal developed under RCW 28A.410.290, or an updated version of the proposal, by September 1, 2016. If approved, the institution of higher education must implement an alternative route teacher certification program according to a timeline suggested by the professional educator standards board.

(3) This section expires July 1, 2017.

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

(1) By July 1, 2018, each institution of higher education with a professional educator standards board-approved alternative route teacher certification program must develop a plan describing how the institution of higher education will partner with school districts in the general geographic region of the school, or where its programs are offered, regarding placement of resident teachers. The plans must be developed in collaboration with school districts desiring to partner with the institutions of higher education, and may include use of unexpended federal or state funds to support residencies and mentoring for students who are likely to continue teaching in the district in which they have a supervised student teaching residency.

(2) The plans required under subsection (1) of this section must be updated at least biennially.

Sec. 11. RCW 28A.415.265 and 2013 2nd sp.s. c 18 s 401 are each amended to read as follows:

(1) For the purposes of this section, a mentor is an educator who has achieved appropriate training in assisting, coaching, and advising beginning teachers or student teaching residents as defined by the office of the superintendent of public instruction, such as national board certification or other specialized training.

(2)(a) The educator support program is established to provide professional development and mentor support for beginning educators, candidates in

alternative route teacher certification programs under RCW 28A.660.040, and educators on probation under RCW 28A.405.100, to be composed of the beginning educator support team for beginning educators and continuous improvement coaching for educators on probation, as provided in this section.

(((~~(2)(a)~~))) (b) The superintendent of public instruction shall notify school districts about the educator support program and encourage districts to apply for program funds.

(3) Subject to ((~~funds appropriated for this specific~~)) the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall allocate funds for the beginning educator support team on a competitive basis to individual school districts or consortia of districts. School districts are encouraged to include educational service districts in creating regional consortia. In allocating funds, the office of the superintendent of public instruction shall give priority to:

(a) School districts with low-performing schools identified under RCW 28A.657.020 as being challenged schools in need of improvement; and

(b) School districts with a large influx of beginning classroom teachers.

(4) A portion of the appropriated funds may be used for program coordination and provision of statewide or regional professional development through the office of the superintendent of public instruction.

(((~~(b)~~))) (5) A beginning educator support team must include the following components:

(((~~(i)~~))) (a) A paid orientation or individualized assistance before the start of the school year for beginning educators;

(((~~(ii)~~))) (b) Assignment of a trained and qualified mentor for the first three years for beginning educators, with intensive support in the first year and decreasing support over the following years depending on the needs of the beginning educator;

(((~~(iii)~~))) (c) A goal to provide beginning teachers from underrepresented populations with a mentor who has strong ties to underrepresented populations;

(d) Professional development for beginning educators that is designed to meet their unique needs for supplemental training and skill development;

(((~~(iv)~~))) (e) Professional development for mentors;

(((~~(v)~~))) (f) Release time for mentors and their designated educators to work together, as well as time for educators to observe accomplished peers; and

(((~~(vi)~~))) (g) A program evaluation using a standard evaluation tool provided from the office of the superintendent of public instruction that measures increased knowledge, skills, and positive impact on student learning for program participants.

(((~~(3)~~))) (6) Subject to ((~~funds separately~~)) the availability of amounts appropriated for this specific purpose, the beginning educator support team components under subsection (((~~(2)~~))) (3) of this section may be provided for continuous improvement coaching to support educators on probation under RCW 28A.405.100.

NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) In fiscal year 2017, the office of the superintendent of public instruction, in collaboration with the professional educator standards board and institutions of higher education with professional educator standards board-approved teacher

preparation programs, shall develop mentor training program goals, and shall post the goals on its web site.

(2) The office of the superintendent of public instruction is encouraged to develop professional development curricula aligned with the mentor training program goals required under this section. The purpose of this curricula is to standardize mentorship training statewide in order to develop high quality mentors.

NEW SECTION. **Sec. 13.** A new section is added to chapter 28A.330 RCW to read as follows:

By June 15th of each year, a school district shall report to the office of the superintendent of public instruction the number of classroom teachers hired in the previous school year and the district projects will be hired in the following school year, disaggregated by content area.

Sec. 14. RCW 28A.660.050 and 2015 3rd sp.s. c 9 s 2 are each amended to read as follows:

Subject to the availability of amounts appropriated for ((~~these~~)) this specific purpose((~~s~~)), the conditional scholarship programs in this chapter are created under the following guidelines:

(1) The programs shall be administered by the student achievement council. In administering the programs, the council has the following powers and duties:

(a) To adopt necessary rules and develop guidelines to administer the programs;

(b) To collect and manage repayments from participants who do not meet their service obligations; and

(c) To accept grants and donations from public and private sources for the programs.

(2) Requirements for participation in the conditional scholarship programs are as provided in this subsection (2).

(a) The alternative route conditional scholarship program is limited to interns of professional educator standards board-approved alternative route((~~s to teaching~~)) teacher certification programs under RCW 28A.660.040. For fiscal year 2011, priority must be given to fiscal year 2010 participants in the alternative route partnership program. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment in an alternative ((~~certification~~)) route((~~s~~)) teacher certification program through a professional educator standards board-approved program;

(ii) Continue to make satisfactory progress toward completion of the alternative route teacher certification program and receipt of a residency teaching certificate; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed eight thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route teacher certification program in which the recipient is enrolled. The council may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(b) The pipeline for paraeducators conditional scholarship program is limited to qualified paraeducators as provided by RCW 28A.660.042. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment at a community and technical college for no more than two years and attain an associate of arts degree;

(ii) Continue to make satisfactory progress toward completion of an associate of arts degree. This progress requirement is a condition for eligibility into a route one program of the alternative route((~~s to~~)) teacher certification program for ((~~a~~)) an early childhood education, elementary education, mathematics, computer science, special education, bilingual education, or English as a second language endorsement; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed four thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route teacher certification program in which the recipient is enrolled. The student achievement council may adjust the annual award by the average rate of tuition and fee increases at the state community and technical colleges.

(c) The educator retooling conditional scholarship program is limited to current K-12 teachers. In order to receive conditional scholarship awards:

(i) Individuals currently employed as teachers shall pursue an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to((~~,~~)) mathematics, science, special education, elementary education, early childhood education, bilingual education, English language learner, computer science education, or environmental and sustainability education; or

(ii) Individuals who are certificated with an elementary education endorsement shall pursue an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to((~~,~~)) mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and sustainability education; and

(iii) Individuals shall use one of the pathways to endorsement processes to receive an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to((~~,~~)) mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and sustainability education, which shall include passing an endorsement test plus observation and completing applicable coursework to attain the proper endorsement; and

(iv) Individuals shall receive no more than the annual amount of the scholarship, not to exceed three thousand dollars, for the cost of tuition, test fees, and educational expenses, including books, supplies, and transportation for the endorsement pathway being pursued.

(3) The Washington professional educator standards board shall select individuals to receive conditional scholarships. In selecting recipients, preference shall be given to eligible veterans or national guard members. In awarding conditional scholarships to support additional bilingual education or English language learner endorsements, the board shall also give preference to teachers assigned to schools required under state or federal accountability

measures to implement a plan for improvement, and to teachers assigned to schools whose enrollment of English language learner students has increased an average of more than five percent per year over the previous three years.

(4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients who fail to continue a course of study leading to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The student achievement council shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.

(6) The student achievement council may deposit all appropriations, collections, and any other funds received for the program in this chapter in the future teachers conditional scholarship account authorized in RCW 28B.102.080.

NEW SECTION. **Sec. 15.** A new section is added to chapter 28B.102 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office shall develop and administer the teacher shortage conditional grant program as a subprogram within the future teachers conditional scholarship and loan repayment program. The purpose of the teacher shortage conditional grant program is to encourage individuals to become teachers by providing financial aid to individuals enrolled in professional educator standards-approved teacher preparation programs.

(2) The office has the power and duty to develop and adopt rules as necessary under chapter 34.05 RCW to administer the program described in this section.

(3) As part of the rule-making process under subsection (2) of this section, the office must collaborate with the professional educator standards board, the Washington state school directors' association, and the professional educator standards board-approved teacher preparation programs to develop a framework for the teacher shortage conditional grant program, including eligibility requirements, contractual obligations, conditional grant amounts, and loan repayment requirements.

(4)(a) In developing the eligibility requirements, the office must consider: Whether the individual has a financial need, is a first-generation college student, or is from a traditionally underrepresented group among teachers in Washington; whether the individual is completing an alternative route teacher certification program; whether the individual plans to obtain an endorsement in a hard-to-fill subject, as defined by the professional educator standards board; the characteristic of any geographic shortage area, as defined by the professional educator standards board, that the individual plans to teach in; and whether a school district has committed to offering the individual employment once the individual obtains a residency teacher certificate.

(b) In developing the contractual obligations, the office must consider requiring the individual to: Obtain a Washington state residency teacher certificate; teach in a subject or geographic endorsement shortage area, as defined by the professional educator standards board; and commit to teach for five school years in an approved education program with a need for a teacher with such an endorsement at the time of hire.

(c) In developing the conditional grant award amounts, the office must consider whether the individual is: Enrolled in a public or private institution of higher education, a resident, in a baccalaureate or postbaccalaureate program, or in an alternative route teacher certification program. In addition, the award amounts must not result in a reduction of the individual's federal or state grant aid, including Pell grants, state need grants, college bound scholarships, or opportunity scholarships.

(d) In developing the repayment requirements for a conditional grant that is converted into a loan, the terms and conditions of the loan must follow the interest rate and repayment terms of the federal direct subsidized loan program. In addition, the office must consider the following repayment schedule:

(i) For less than one school year of teaching completed, the loan obligation is eighty-five percent of the conditional grant the student received, plus interest and an equalization fee;

(ii) For less than two school years of teaching completed, the loan obligation is seventy percent of the conditional grant the student received, plus interest and an equalization fee;

(iii) For less than three school years of teaching completed, the loan obligation is fifty-five percent of the conditional grant the student received, plus interest and an equalization fee; and

(iv) For less than four school years of teaching completed, the loan obligation is forty percent of the conditional grant the student received, plus interest and an equalization fee.

(5) By November 1, 2018, and November 1, 2020, the office shall submit reports, in accordance with RCW 43.01.036, to the appropriate committees of the legislature that recommend whether the teacher shortage conditional grant program under this section should be continued, modified, or terminated, and that include information about the recipients of the grants under this program.

NEW SECTION. **Sec. 16.** A new section is added to chapter 28A.630 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the teacher endorsement and certification help pilot project, known as the TEACH pilot, is created. The scale of the TEACH pilot is dependent on the level of funding appropriated.

(2) The student achievement council, after consultation with the professional educator standards board, shall have the power and duty to develop and adopt rules as necessary under chapter 34.05 RCW to administer the pilot project described in this section. The rules, which must be adopted by August 1, 2016, must include:

(a) A TEACH pilot grant application process;

(b) A financial need verification process;

(c) The order of priority in which the applications will be approved; and

(d) A process for disbursing TEACH pilot grant awards to selected applicants.

(3) A student seeking a TEACH pilot grant to cover the costs of basic skills and content tests required for teacher certification and endorsement must submit an application to the student achievement council, following the rules developed under this section.

(4) To qualify for financial assistance, an applicant must meet the following criteria:

(a) Be enrolled in, have applied to, or have completed a professional educator standards board-approved teacher preparation program;

(b) Demonstrate financial need, as defined by the office of student financial assistance and consistent with the income criteria required to receive the state need grant established in chapter 28B.92 RCW;

(c) Apply for a TEACH pilot grant under this section; and

(d) Register for an endorsement competency test in one or more endorsement shortage areas.

(5) Beginning September 1, 2016, the student achievement council, in collaboration with the professional educator standards board, shall award a TEACH pilot grant to a student who meets the qualifications listed in this section and in rules developed under this section. The TEACH pilot grant award must cover the costs of basic skills and content tests required for teacher certification. The council shall prioritize TEACH pilot grant awards first to applicants registered for competency tests in endorsement shortage areas and second to applicants with greatest financial need. The council shall scale the number of TEACH pilot grant awards to the amount of funds appropriated for this purpose.

(6) The student achievement council and the professional educator standards board shall include information about the TEACH pilot in materials distributed to schools and students.

(7) By December 31, 2018, and in compliance with RCW 43.01.036, the student achievement council, in collaboration with the professional educator standards board, shall submit a preliminary report to the appropriate committees of the legislature that details the effectiveness and costs of the pilot project. The preliminary report must (a) compare the numbers and demographic information of students taking and passing tests in the endorsement shortage areas before and after implementation of the pilot project, and (b) determine the amount of TEACH pilot grant award financial assistance awarded each pilot year and per student.

(8) By December 31, 2020, and in compliance with RCW 43.01.036, the student achievement council, in collaboration with the professional educator standards board, shall submit a final report to the appropriate committees of the legislature that details the effectiveness and costs of the pilot project. In addition to updating the preliminary report, the final report must (a) compare the numbers and demographic information of students obtaining teaching certificates with endorsement competencies in the endorsement shortage areas before and after implementation of the pilot project, and (b) recommend whether the pilot project should be modified, continued, and expanded.

(9) This section expires July 1, 2021.

NEW SECTION. **Sec. 17.** A new section is added to chapter 28B.76 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office shall administer a student teaching residency grant program to provide additional funds to individuals completing student teaching residencies at public schools in Washington.

(2) To qualify for the grant, recipients must be enrolled in a professional educator standards board-approved teacher preparation program, be completing or about to start a student teaching residency at a Title I school, and demonstrate financial need, as defined by the office and consistent with the income criteria required to receive the state need grant established in chapter 28B.92 RCW.

(3) The office shall establish rules for administering the grants under this section.

Sec. 18. RCW 28B.15.558 and 2015 c 55 s 221 are each amended to read as follows:

(1) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges may waive all or a portion of the tuition and services and activities fees for state employees as defined under subsection (2) of this section and teachers ((~~and~~)), other certificated instructional staff under subsection (3) of this section, and K-12 classified staff under subsection (4) of this section. The enrollment of these persons is pursuant to the following conditions:

(a) Such persons shall register for and be enrolled in courses on a space available basis and no new course sections shall be created as a result of the registration;

(b) Enrollment information on persons registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall such persons be considered in any enrollment statistics that would affect budgetary determinations; and

(c) Persons registering on a space available basis shall be charged a registration fee of not less than five dollars.

(2) For the purposes of this section, "state employees" means persons employed half-time or more in one or more of the following employee classifications:

(a) Permanent employees in classified service under chapter 41.06 RCW;

(b) Permanent employees governed by chapter 41.56 RCW pursuant to the exercise of the option under RCW 41.56.201;

(c) Permanent classified employees and exempt paraprofessional employees of technical colleges; and

(d) Faculty, counselors, librarians, and exempt professional and administrative employees at institutions of higher education as defined in RCW 28B.10.016.

(3) The waivers available to state employees under this section shall also be available to teachers and other certificated instructional staff employed at public common and vocational schools, holding or seeking a valid endorsement and assignment in a state-identified shortage area.

(4) The waivers available under this section shall also be available to classified staff employed at K-12 public schools when used for coursework relevant to the work assignment.

(5) In awarding waivers, an institution of higher education may award waivers to eligible persons employed by the institution before considering waivers for eligible persons who are not employed by the institution.

(((~~(5)~~))) (6) If an institution of higher education exercises the authority granted under this section, it shall include all eligible state employees in the pool of persons eligible to participate in the program.

(((~~(6)~~))) (7) In establishing eligibility to receive waivers, institutions of higher education may not discriminate between full-time employees and employees who are employed half-time or more.

NEW SECTION. **Sec. 19.** Section 7 of this act expires July 1, 2021.

Passed by the Senate March 10, 2016.
Passed by the House March 10, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 234

[Senate Bill 6459]

PEACE OFFICERS--ASSISTANCE TO DEPARTMENT OF CORRECTIONS--OFFENDER SUPERVISION

AN ACT Relating to peace officers; and adding a new section to chapter 9.94A RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW to read as follows:

(1) Any peace officer has authority to assist the department with the supervisions of offenders.

(2) If a peace officer has reasonable cause to believe an offender is in violation of the terms of supervision, the peace officer may conduct a search as provided under RCW 9.94A.631, of the offender's person, automobile, or other personal property to search for evidence of the violation. A peace officer may assist a community corrections officer with a search of the offender's residence if requested to do so by the community corrections officer.

(3) Nothing in this section prevents a peace officer from arresting an offender for any new crime found as a result of the offender's arrest or search authorized by this section.

(4) Upon substantiation of a violation of the offender's conditions of community supervision, utilizing existing methods and systems, the peace officer should notify the department of the violation.

(5) For the purposes of this section, "peace officer" refers to a limited or general authority Washington peace officer as defined in RCW 10.93.020.

Passed by the Senate March 7, 2016.
Passed by the House March 2, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 235

[Engrossed Substitute Senate Bill 6470]

WINERIES--VARIOUS PROVISIONS

AN ACT Relating to provisions concerning wineries in respect to the licensing of private collections of wine, allowing wineries to make sales for off-premises consumption at special occasion licensed events, modifying special occasion licenses, and making certain related technical corrections; amending RCW 66.24.380, 66.12.110, 66.12.120, 66.12.240, 66.20.170, 66.20.180, 66.20.190, 66.20.200, 66.20.210, 66.24.210, 66.28.030, 66.28.035, 66.28.040, and 66.44.350; reenacting and amending RCW 66.24.170 and 66.20.010; creating a new section; and repealing RCW 66.24.440.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 66.24.170 and 2014 c 105 s 1 and 2014 c 27 s 1 are each reenacted and amended to read as follows:

(1) There ((~~shall be~~)) is a license for domestic wineries; fee to be computed only on the liters manufactured: Less than two hundred fifty thousand liters per year, one hundred dollars per year; and two hundred fifty thousand liters or more per year, four hundred dollars per year.

(2) The license allows for the manufacture of wine in Washington state from grapes or other agricultural products.

(3) Any domestic winery licensed under this section may also act as a retailer of wine of its own production. Any domestic winery licensed under this section may act as a distributor of its own production. Notwithstanding any language in this title to the contrary, a domestic winery may use a common carrier to deliver up to one hundred cases of its own production, in the aggregate, per month to licensed Washington retailers. A domestic winery may not arrange for any such common carrier shipments to licensed retailers of wine not of its own production. Except as provided in this section, any winery operating as a distributor and/or retailer under this subsection must comply with the applicable laws and rules relating to distributors and/or retailers, except that a winery operating as a distributor may maintain a warehouse off the premises of the winery for the distribution of wine of its own production provided that: (a) The warehouse has been approved by the board under RCW 66.24.010; and (b) the number of warehouses off the premises of the winery does not exceed one.

(4) A domestic winery licensed under this section, at locations separate from any of its production or manufacturing sites, may serve samples of its own products, with or without charge, may sell wine of its own production at retail, and may sell for off-premises consumption wines of its own production in kegs or sanitary containers meeting the applicable requirements of federal law brought to the premises by the purchaser or furnished by the licensee and filled at the tap at the time of sale, provided that: (a) Each additional location has been approved by the board under RCW 66.24.010; (b) the total number of additional locations does not exceed two; (c) a winery may not act as a distributor at any such additional location; and (d) any person selling or serving wine at an additional location for ((~~on-premise [on-premises]~~)) on-premises consumption must obtain a class 12 or class 13 alcohol server permit. Each additional location is deemed to be part of the winery license for the purpose of this title. At additional locations operated by multiple wineries under this section, if the board cannot connect a violation of RCW 66.44.200 or 66.44.270 to a single licensee, the board may hold all licensees operating the additional location jointly liable.

Nothing in this subsection may be construed to prevent a domestic winery from holding multiple domestic winery licenses.

(5)(a) A domestic winery licensed under this section may apply to the board for an endorsement to sell wine of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars. An endorsement issued pursuant to this subsection does not count toward the two additional retail locations limit specified in this section.

(b) For each month during which a domestic winery will sell wine at a qualifying farmers market, the winery must provide the board or its designee a list of the dates, times, and locations at which bottled wine may be offered for sale. This list must be received by the board before the winery may offer wine for sale at a qualifying farmers market.

(c) The wine sold at qualifying farmers markets must be made entirely from grapes grown in a recognized Washington appellation or from other agricultural products grown in this state.

(d) Each approved location in a qualifying farmers market is deemed to be part of the winery license for the purpose of this title. The approved locations under an endorsement granted under this subsection include tasting or sampling privileges subject to the conditions pursuant to RCW 66.24.175. The winery may not store wine at a farmers market beyond the hours that the winery offers bottled wine for sale. The winery may not act as a distributor from a farmers market location.

(e) Before a winery may sell bottled wine at a qualifying farmers market, the farmers market must apply to the board for authorization for any winery with an endorsement approved under this subsection to sell bottled wine at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved winery may sell bottled wine; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled wine may be sold. Before authorizing a qualifying farmers market to allow an approved winery to sell bottled wine at retail at its farmers market location, the board ((~~shall~~)) must notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (5)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and such additional rules as may be necessary to implement this section.

(g) For the purposes of this subsection:

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers. However, if a farmers market does not satisfy this subsection

(5)(g)(i)(B), a farmers market is still considered a "qualifying farmers market" if the total combined gross annual sales of farmers and processors at the farmers market is one million dollars or more;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

(6) Wine produced in Washington state by a domestic winery licensee may be shipped out-of-state for the purpose of making it into sparkling wine and then returned to such licensee for resale. Such wine ((~~shall be~~)) is deemed wine manufactured in the state of Washington for the purposes of RCW 66.24.206, and shall not require a special license.

(7) During an event held by a nonprofit holding a special occasion license issued under RCW 66.24.380, a domestic winery licensed under this section may take orders, either in writing or electronically, and accept payment for wines of its own production under the following conditions:

(a) Wine produced by the domestic winery may be served for on-premises consumption by the special occasion licensee;

(b) The domestic winery delivers wine to the consumer on a date after the conclusion of the special occasion event;

(c) The domestic winery delivers wine to the consumer at a location different from the location at which the special occasion event is held;

(d) The domestic winery complies with all requirements in chapter 66.20 RCW for direct sale of wine to consumers;

(e) The wine is not sold for resale; and

(f) The domestic winery is entitled to all proceeds from the sale and delivery of its wine to a consumer after the conclusion of the special occasion event, but may enter into an agreement to share a portion of the proceeds of these sales with the special occasion licensee licensed under RCW 66.24.380.

Sec. 2. RCW 66.24.380 and 2012 c 2 s 112 are each amended to read as follows:

There is a retailer's license to be designated as a special occasion license to be issued to a not-for-profit society or organization to sell spirits, beer, and wine by the individual serving for on-premises consumption at a specified event, such as at picnics or other special occasions, at a specified date and place; fee sixty dollars per day.

(1) The not-for-profit society or organization is limited to sales of no more than twelve calendar days per year. For the purposes of this subsection, special occasion licensees that are "agricultural area fairs" or "agricultural county,

district, and area fairs," as defined by RCW 15.76.120, that receive a special occasion license may, once per calendar year, count as one event fairs that last multiple days, so long as alcohol sales are at set dates, times, and locations, and the board receives prior notification of the dates, times, and locations. The special occasion license applicant will pay the sixty dollars per day for this event.

(2) The licensee may sell spirits, beer, and/or wine in original, unopened containers for off-premises consumption if permission is obtained from the board prior to the event.

(3) In addition to offering the sale of wine by the individual serving for on-premises consumption, the licensee may sell wine in original, unopened containers for on-premises consumption if permission is obtained from the board prior to the event.

(4) Sale, service, and consumption of spirits, beer, and wine is to be confined to specified premises or designated areas only.

((~~(4)~~)) (5) Liquor sold under this special occasion license must be purchased from a licensee of the board.

((~~(5)~~)) (6) Any violation of this section is a class 1 civil infraction having a maximum penalty of two hundred fifty dollars as provided for in chapter 7.80 RCW.

Sec. 3. RCW 66.12.110 and 2012 c 117 s 272 are each amended to read as follows:

A person twenty-one years of age or over may bring into the state from without the United States, free of tax and markup, for his or her personal or household use such alcoholic beverages as have been declared and permitted to enter the United States duty free under federal law.

Such entry of alcoholic beverages in excess of that herein provided may be authorized by the board upon payment of an equivalent ((~~markup and~~)) tax as would be applicable to the purchase of the same or similar liquor at retail ((~~from a Washington state liquor store~~)) in this state. The board ((~~shall~~)) must adopt appropriate regulations pursuant to chapter 34.05 RCW for the purpose of carrying out the provisions of this section. The board may issue a spirits, beer, and wine private club license to a charitable or nonprofit corporation of the state of Washington, the majority of the officers and directors of which are United States citizens and the minority of the officers and directors of which are citizens of the Dominion of Canada, and where the location of the premises for such spirits, beer, and wine private club license is not more than ten miles south of the border between the United States and the province of British Columbia.

Sec. 4. RCW 66.12.120 and 1995 c 100 s 1 are each amended to read as follows:

Notwithstanding any other provision of this title ((~~66 RCW~~)), a person twenty-one years of age or over may, free of tax ((~~and markup~~)), for personal or household use, bring into the state of Washington from another state no more than once per calendar month up to two liters of spirits or wine or two hundred eighty-eight ounces of beer. Additionally, such person may be authorized by the board to bring into the state of Washington from another state a reasonable amount of alcoholic beverages in excess of that provided in this section for personal or household use only upon payment of an equivalent ((~~markup and~~))

tax as would be applicable to the purchase of the same or similar liquor at retail ((~~from a state liquor store~~)) in this state. The board ((~~shall~~)) must adopt appropriate regulations pursuant to chapter 34.05 RCW for the purpose of carrying into effect the provisions of this section.

Sec. 5. RCW 66.12.240 and 2009 c 361 s 1 are each amended to read as follows:

(1) Nothing in this title applies to or prevents a wedding boutique or art gallery from offering or supplying without charge wine or beer by the individual glass to a customer for consumption on the premises. However, the customer must be at least twenty-one years of age and may only be offered one glass of wine or beer, and wine or beer served or consumed ((~~shall~~)) must be purchased from a Washington state licensed retailer ((~~or a Washington state liquor store or agency~~)) at full retail price. A wedding boutique or art gallery offering wine or beer without charge may not advertise the service of complimentary wine or beer and may not sell wine or beer in any manner. Any employee involved in the service of wine or beer must complete a board-approved limited alcohol server training program.

(2) ((~~For the purposes of this section:~~)) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Art gallery" means a room or building devoted to the exhibition and/or sale of the works of art.

(b) "Wedding boutique" means a business primarily engaged in the sale of wedding merchandise.

Sec. 6. RCW 66.20.010 and 2015 c 195 s 1, 2015 c 194 s 3, and 2015 c 59 s 1 are each reenacted and amended to read as follows:

Upon application in the prescribed form being made to any employee authorized by the board to issue permits, accompanied by payment of the prescribed fee, and upon the employee being satisfied that the applicant should be granted a permit under this title, the employee must issue to the applicant under such regulations and at such fee as may be prescribed by the board a permit of the class applied for, as follows:

(1) Where the application is for a special permit by a physician or dentist, or by any person in charge of an institution regularly conducted as a hospital or sanitorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, a special liquor purchase permit, except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2);

(2) Where the application is for a special permit by a person engaged within the state in mechanical or manufacturing business or in scientific pursuits requiring alcohol for use therein, or by any private individual, a special permit to purchase alcohol for the purpose named in the permit, except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2);

(3) Where the application is for a special permit to consume liquor at a banquet, at a specified date and place, a special permit to purchase liquor for consumption at such banquet, to such applicants as may be fixed by the board;

(4) Where the application is for a special permit to consume liquor on the premises of a business not licensed under this title, a special permit to purchase

liquor for consumption thereon for such periods of time and to such applicants as may be fixed by the board;

(5) Where the application is for a special permit by a manufacturer to import or purchase within the state alcohol, malt, and other materials containing alcohol to be used in the manufacture of liquor, or other products, a special permit;

(6) Where the application is for a special permit by a person operating a drug store to purchase liquor at retail prices only, to be thereafter sold by such person on the prescription of a physician, a special liquor purchase permit, except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2);

(7) Where the application is for a special permit by an authorized representative of a military installation operated by or for any of the armed forces within the geographical boundaries of the state of Washington, a special permit to purchase liquor for use on such military installation;

(8) Where the application is for a special permit by a vendor that manufactures or sells a product which cannot be effectively presented to potential buyers without serving it with liquor or by a manufacturer, importer, or distributor, or representative thereof, to serve liquor without charge to delegates and guests at a convention of a trade association composed of licensees of the board, when the said liquor is served in a hospitality room or from a booth in a board-approved suppliers' display room at the convention, and when the liquor so served is for consumption in the said hospitality room or display room during the convention, anything in this title to the contrary notwithstanding. Any such spirituous liquor must be purchased from a spirits retailer or distributor, and any such liquor is subject to the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

(9) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to donate liquor for a reception, breakfast, luncheon, or dinner for delegates and guests at a convention of a trade association composed of licensees of the board, when the liquor so donated is for consumption at the said reception, breakfast, luncheon, or dinner during the convention, anything in this title to the contrary notwithstanding. Any such spirituous liquor must be purchased from a spirits retailer or distributor, and any such liquor is subject to the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

(10) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to donate and/or serve liquor without charge to delegates and guests at an international trade fair, show, or exposition held under the auspices of a federal, state, or local governmental entity or organized and promoted by a nonprofit organization, anything in this title to the contrary notwithstanding. Any such spirituous liquor must be purchased from a liquor spirits retailer or distributor, and any such liquor is subject to the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

(11) Where the application is for an annual special permit by a person operating a bed and breakfast lodging facility to donate or serve wine or beer without charge to overnight guests of the facility if the wine or beer is for consumption on the premises of the facility. "Bed and breakfast lodging facility,"

as used in this subsection, means a facility offering from one to eight lodging units and breakfast to travelers and guests;

(12) Where the application is for a special permit to allow tasting of alcohol by persons at least eighteen years of age under the following circumstances:

(a) The application is from a community or technical college as defined in RCW 28B.50.030, a regional university, or a state university;

(b) The person who is permitted to taste under this subsection is enrolled as a student in a required or elective class that is part of a culinary, sommelier, wine business, enology, viticulture, wine technology, beer technology, or spirituous technology-related degree program;

(c) The alcohol served to any person in the degree-related programs under (b) of this subsection is tasted but not consumed for the purposes of educational training as part of the class curriculum with the approval of the educational provider;

(d) The service and tasting of alcoholic beverages is supervised by a faculty or staff member of the educational provider who is twenty-one years of age or older. The supervising faculty or staff member shall possess a class 12 or 13 alcohol server permit under the provisions of RCW 66.20.310;

(e) The enrolled student permitted to taste the alcoholic beverages does not purchase the alcoholic beverages; and

(f) The permit fee for the special permit provided for in this subsection (12) must be waived by the board;

(13) Where the application is for a special permit by a distillery or craft distillery for an event not open to the general public to be held or conducted at a specific place, including at the licensed premise of the applying distillery or craft distillery, upon a specific date for the purpose of tasting and selling spirits of its own production. The distillery or craft distillery must obtain a permit for a fee of ten dollars per event. An application for the permit must be submitted for private banquet permits prior to the event and, once issued, must be posted in a conspicuous place at the premises for which the permit was issued during all times the permit is in use. No licensee may receive more than twelve permits under this subsection (13) each year;

(14) Where the application is for a special permit by a manufacturer of wine for an event not open to the general public to be held or conducted at a specific place upon a specific date for the purpose of tasting and selling wine of its own production. The winery must obtain a permit for a fee of ten dollars per event. An application for the permit must be submitted at least ten days before the event and once issued, must be posted in a conspicuous place at the premises for which the permit was issued during all times the permit is in use. No more than twelve events per year may be held by a single manufacturer under this subsection;

(15) Where the application is for a special permit by an individual or business to sell a private collection of wine or spirits to an individual or business. The seller must obtain a permit at least five business days before the sale, for a fee of twenty-five dollars per sale. The seller must provide an inventory of products sold and the agreed price on a form provided by the board. The seller shall submit the report and taxes due to the board no later than twenty calendar days after the sale. A permit may be issued under this section to allow the sale of a private collection to licensees, but may not be issued to a licensee to sell to a

private individual or business which is not otherwise authorized under the license held by the seller. If the liquor is purchased by a licensee, all sales are subject to taxes assessed as on liquor acquired from any other source. The board may adopt rules to implement this section.

Sec. 7. RCW 66.20.170 and 1973 1st ex.s. c 209 s 5 are each amended to read as follows:

A card of identification may for the purpose of this title and for the purpose of procuring liquor, be accepted as an identification card by any licensee ((~~or store employee~~)) and as evidence of legal age of the person presenting such card, provided the licensee ((~~or store employee~~)) complies with the conditions and procedures prescribed herein and such regulations as may be made by the board.

Sec. 8. RCW 66.20.180 and 2005 c 151 s 9 are each amended to read as follows:

A card of identification ((~~shall~~)) must be presented by the holder thereof upon request of any licensee, ((~~store employee, contract liquor store manager, contract liquor store employee,~~)) peace officer, or enforcement officer of the board for the purpose of aiding the licensee, ((~~store employee, contract liquor store manager, contract liquor store employee,~~)) peace officer, or enforcement officer of the board to determine whether or not such person is of legal age to purchase liquor when such person desires to procure liquor from a licensed establishment ((~~or state liquor store or contract liquor store~~)).

Sec. 9. RCW 66.20.190 and 2012 c 117 s 280 are each amended to read as follows:

In addition to the presentation by the holder and verification by the licensee ((~~or store employee~~)) of such card of identification, the licensee ((~~or store employee~~)) who is still in doubt about the true age of the holder ((~~shall~~)) must require the person whose age may be in question to sign a certification card and record an accurate description and serial number of his or her card of identification thereon. Such statement ((~~shall~~)) must be upon a five-inch by eight-inch file card, which card ((~~shall~~)) must be filed alphabetically by the licensee ((~~or store employee~~)) at or before the close of business on the day on which the statement is executed, in the file box containing a suitable alphabetical index and the card ((~~shall~~)) must be subject to examination by any peace officer or agent or employee of the board at all times. The certification card ((~~shall~~)) must also contain in bold-face type a statement stating that the signer understands that conviction for unlawful purchase of alcoholic beverages or misuse of the certification card may result in criminal penalties including imprisonment or fine or both.

Sec. 10. RCW 66.20.200 and 2003 c 53 s 295 are each amended to read as follows:

(1) It ((~~shall be~~)) is unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee ((~~or store employee~~)). Any person who ((~~shall~~)) permits his or her card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee ((~~or store employee~~)) or gain admission to a premises or portion of a premises classified by the board as off-limits to persons under twenty-one years of age, ((~~shall be~~)) is guilty of a

misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars ((~~shall~~)) must be imposed and any sentence requiring community restitution ((~~shall~~)) must require not fewer than twenty-five hours of community restitution.

(2) Any person not entitled thereto who unlawfully procures or has issued or transferred to him or her a card of identification, and any person who possesses a card of identification not issued to him or her, and any person who makes any false statement on any certification card required by RCW 66.20.190, to be signed by him or her, ((~~shall be~~)) is guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars ((~~shall~~)) must be imposed and any sentence requiring community restitution ((~~shall~~)) must require not fewer than twenty-five hours of community restitution.

Sec. 11. RCW 66.20.210 and 1973 1st ex.s. c 209 s 9 are each amended to read as follows:

(1) No licensee or the agent or employee of the licensee((~~, or store employee, shall~~)) may be prosecuted criminally or be sued in any civil action for serving liquor to a person under legal age to purchase liquor if such person has presented a card of identification in accordance with RCW 66.20.180, and has signed a certification card as provided in RCW 66.20.190.

(2) Such card in the possession of a licensee may be offered as a defense in any hearing held by the board for serving liquor to the person who signed the card and may be considered by the board as evidence that the licensee acted in good faith.

Sec. 12. RCW 66.24.210 and 2012 c 20 s 2 are each amended to read as follows:

(1) There is hereby imposed upon all wines except cider sold to wine distributors ((~~and the Washington state liquor control board,~~)) within the state a tax at the rate of twenty and one-fourth cents per liter. Any domestic winery or certificate of approval holder acting as a distributor of its own production ((~~shall~~)) must pay taxes imposed by this section. There is hereby imposed on all cider sold to wine distributors ((~~and the Washington state liquor control board~~)) within the state a tax at the rate of three and fifty-nine one-hundredths cents per liter. However, wine sold or shipped in bulk from one winery to another winery ((~~shall~~)) is not ((~~be~~)) subject to such tax.

(a) The tax provided for in this section shall be collected by direct payments based on wine purchased by wine distributors.

(b) Except as provided in subsection (7) of this section, every person purchasing wine under the provisions of this section ((~~shall~~)) must on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report ((~~shall~~)) must pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. The board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the

tax. If any such person fails to pay the tax when due, the board may ((~~forthwith~~)) suspend or cancel the license until all taxes are paid.

(c) Any licensed retailer authorized to purchase wine from a certificate of approval holder with a direct shipment endorsement or a domestic winery ((~~shall~~)) must make monthly reports to the liquor ((~~control~~)) and cannabis board on wine purchased during the preceding calendar month in the manner and upon such forms as may be prescribed by the board.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax ((~~shall~~)) must be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. After June 30, 1996, such additional tax does not apply to cider. An additional tax of five one-hundredths of one cent per liter is imposed on cider sold after June 30, 1996. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4) An additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to twenty-three and forty-four one-hundredths cents per liter on fortified wine as defined in RCW 66.04.010 when bottled or packaged by the manufacturer, one cent per liter on all other wine except cider, and eighteen one-hundredths of one cent per liter on cider. All revenues collected during any month from this additional tax shall be deposited in the state general fund by the twenty-fifth day of the following month.

(5)(a) An additional tax is imposed on all cider subject to tax under subsection (1) of this section. The additional tax is equal to two and four one-hundredths cents per liter of cider sold after June 30, 1996, and before July 1, 1997, and is equal to four and seven one-hundredths cents per liter of cider sold after June 30, 1997.

(b) All revenues collected from the additional tax imposed under this subsection (5) ((~~shall~~)) must be deposited in the state general fund.

(6) For the purposes of this section, "cider" means table wine that contains not less than one-half of one percent of alcohol by volume and not more than seven percent of alcohol by volume and is made from the normal alcoholic fermentation of the juice of sound, ripe apples or pears. "Cider" includes, but is not limited to, flavored, sparkling, or carbonated cider and cider made from condensed apple or pear must.

(7) For the purposes of this section, out-of-state wineries ((~~shall~~)) must pay taxes under this section on wine sold and shipped directly to Washington state residents in a manner consistent with the requirements of a wine distributor under subsections (1) through (4) of this section, except wineries shall be responsible for the tax and not the resident purchaser.

(8) Notwithstanding any other provision of this section, any domestic winery or wine certificate of approval holder acting as a distributor of its own production that had total taxable sales of wine in Washington state of six thousand gallons or less during the calendar year preceding the date on which

the tax would otherwise be due is not required to pay taxes under this section more often than annually.

Sec. 13. RCW 66.28.030 and 2012 c 2 s 113 are each amended to read as follows:

Every domestic distillery, brewery, and microbrewery, domestic winery, certificate of approval holder, licensed ((~~liquor~~)) spirits importer, licensed wine importer, and licensed beer importer is responsible for the conduct of any licensed spirits, beer, or wine distributor in selling, or contracting to sell, to retail licensees, spirits, beer, or wine manufactured by such domestic distillery, brewery, microbrewery, domestic winery, manufacturer holding a certificate of approval, sold by an authorized representative holding a certificate of approval, or imported by such ((~~liquor~~)) spirits, beer, or wine importer. Where the board finds that any licensed spirits, beer, or wine distributor has violated any of the provisions of this title or of the regulations of the board in selling or contracting to sell spirits, beer, or wine to retail licensees, the board may, in addition to any punishment inflicted or imposed upon such distributor, prohibit the sale of the brand or brands of spirits, beer, or wine involved in such violation to any or all retail licensees within the trade territory usually served by such distributor for such period of time as the board may fix, irrespective of whether the distiller manufacturing such spirits or the ((~~liquor~~)) spirits importer importing such spirits, brewer manufacturing such beer or the beer importer importing such beer, or the domestic winery manufacturing such wine or the wine importer importing such wine or the certificate of approval holder manufacturing such spirits, beer, or wine or acting as authorized representative actually participated in such violation.

Sec. 14. RCW 66.28.035 and 2012 c 39 s 7 are each amended to read as follows:

(1) By the ((~~15th~~)) 20th day of each month, all spirits certificate of approval holders must file with the board, in a form and manner required by the board, a report of all spirits delivered to purchasers in this state during the preceding month ((~~along with a copy~~)). Copies of the invoices for all such purchases or other information required by the board that would disclose the identity of the purchasers must be made available upon request.

(2) A spirits certificate of approval holder may not ship or cause to be transported into this state any spirits unless the purchaser to whom the spirits are to be delivered is:

(a) Licensed by the board to sell spirits in this state, and the license is in good standing; or

(b) Otherwise legally authorized to sell spirits in this state.

(3) The liquor ((~~control~~)) and cannabis board must maintain on its web site a list of all purchasers that meet the conditions of subsection (2) of this section.

(4) A violation of this section is grounds for suspension of a spirits certificate of approval license in accordance with RCW 66.08.150, in addition to any punishment as may be authorized by RCW 66.28.030.

Sec. 15. RCW 66.28.040 and 2014 c 92 s 2 are each amended to read as follows:

Except as permitted by the board under RCW 66.20.010, no domestic brewery, microbrewery, distributor, distiller, domestic winery, importer, rectifier,

certificate of approval holder, or other manufacturer of liquor may, within the state of Washington, give to any person any liquor; but nothing in this section nor in RCW 66.28.305 prevents a domestic brewery, microbrewery, distributor, domestic winery, distiller, certificate of approval holder, or importer from furnishing samples of beer, wine, or spirituous liquor to authorized licensees for the purpose of negotiating a sale, in accordance with regulations adopted by the liquor ((~~control~~)) and cannabis board, provided that the samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210; nothing in this section prevents a domestic brewery, microbrewery, domestic winery, distillery, certificate of approval holder, or distributor from furnishing beer, wine, or spirituous liquor for instructional purposes under RCW 66.28.150; nothing in this section prevents a domestic winery, certificate of approval holder, or distributor from furnishing wine without charge, subject to the taxes imposed by RCW 66.24.210, to a not-for-profit group organized and operated solely for the purpose of enology or the study of viticulture which has been in existence for at least six months and that uses wine so furnished solely for such educational purposes or a domestic winery, or an out-of-state certificate of approval holder, from furnishing wine without charge or a domestic brewery, or an out-of-state certificate of approval holder, from furnishing beer without charge, subject to the taxes imposed by RCW 66.24.210 or 66.24.290, or a domestic distiller licensed under RCW 66.24.140 or an accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310, from furnishing spirits without charge, to a nonprofit charitable corporation or association exempt from taxation under 26 U.S.C. Sec. 501(c)(3) or (6) of the internal revenue code of 1986 for use consistent with the purpose or purposes entitling it to such exemption; nothing in this section prevents a domestic brewery or microbrewery from serving beer without charge, on the brewery premises; nothing in this section prevents donations of wine for the purposes of RCW 66.12.180; nothing in this section prevents a domestic winery from serving wine without charge, on the winery premises; and nothing in this section prevents a craft distillery from serving spirits, on the distillery premises subject to RCW 66.24.145.

Sec. 16. RCW 66.44.350 and 2014 c 29 s 4 are each amended to read as follows:

Notwithstanding provisions of RCW 66.44.310, employees of businesses holding beer and/or wine restaurant; beer and/or wine private club; snack bar; spirits, beer, and wine restaurant; spirits, beer, and wine private club; catering; and sports entertainment facility licenses who are ((~~licensees~~)) between eighteen and twenty-one years of age ((~~and over~~)) may take orders for, serve, and sell liquor in any part of the licensed premises except cocktail lounges, bars, or other areas classified by the Washington state liquor ((~~control~~)) and cannabis board as off-limits to persons under twenty-one years of age: PROVIDED, That such employees may enter such restricted areas to perform work assignments including picking up liquor for service in other parts of the licensed premises, performing clean up work, setting up and arranging tables, delivering supplies, delivering messages, serving food, and seating patrons: PROVIDED FURTHER, That such employees ((~~shall~~)) remain in the areas off-limits to minors no longer than is necessary to carry out their aforementioned duties:

PROVIDED FURTHER, That such employees ((~~shall~~)) are not be permitted to perform activities or functions of a bartender.

NEW SECTION. **Sec. 17.** RCW 66.24.440 (Liquor by the drink, spirits, beer, and wine restaurant, spirits, beer, and wine private club, hotel, spirits, beer, and wine nightclub, sports entertainment facility, and VIP airport lounge license—Purchase of liquor by licensees—Discount) and 2011 c 325 s 3, 2009 c 271 s 8, 2007 c 370 s 20, 1998 c 126 s 8, 1997 c 321 s 29, & 1949 c 5 s 5 are each repealed.

NEW SECTION. **Sec. 18.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the supplemental omnibus operating appropriations act, this act is null and void.

Passed by the Senate March 8, 2016.
Passed by the House March 3, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 236

[Substitute Senate Bill 6523]

EMERGENCY MEDICAL SERVICE EMPLOYEES--PURCHASE OF PENSION SERVICE CREDIT

AN ACT Relating to service credit for pension purposes for certain emergency medical services employees; adding a new section to chapter 41.40 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

***NEW SECTION.** Sec. 1. (1) Local governments formed intergovernmental consortiums, also known as provider groups, to provide emergency medical services over their shared geographic area. Funds collected through an emergency services levy under RCW 84.52.069 were used to fund the consortium. Employees funded by the consortium provided services to the citizens of all the consortium members.*

(2) The attorney general has ruled that where such a consortium is formed pursuant to an interlocal agreement, the consortium members retain their legal responsibilities as employers under the law enforcement officers' and firefighters' retirement system and public employees' retirement system. That is, the employees providing services to the consortium are entitled to retirement system membership if they otherwise meet membership eligibility requirements (AGO 2007 No. 6).

(3) This act is intended to provide those public employees with an opportunity to establish service credit in the public employees' retirement system for emergency medical services they provided to the public on behalf of a consortium or provider group.

Sec. 1 was vetoed. See message at end of chapter.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.40 RCW under the subchapter heading "provisions applicable to plan 1, plan 2, and plan 3" to read as follows:

(1) An employee providing emergency medical services for a consortium of local governments, where some of those local governments qualified as public employees' retirement system employers at the time the service was rendered, may make an election to establish credit for service performed prior to July 27, 2003, as a full-time emergency medical technician serving the consortium to the public employees' retirement system. This option is only available to employees who:

(a) Performed services for a consortium of local governments fully contained within the boundaries of a county whose population on the effective date of this section exceeds seven hundred thousand residents but is less than eight hundred thousand residents; and

(b) File a written election to establish service credit under this section with the department of retirement systems no later than June 30, 2026.

(2)(a) The department of retirement systems shall treat the consortium member with the largest current population among consortium members who qualified as a public employees' retirement system employer at the time the service was rendered as the employer for purposes of this section. This employer classification:

(i) Is solely for the purpose of streamlining reporting service and compensation credit and paying contributions for periods of service covered by this section; and

(ii) Does not mean that the consortium member is the employee's employer for any other purpose.

(b) All contributions required for past periods of service established under this section shall be paid by the employees electing to establish service credit under this section.

(i) Employee contributions shall be calculated by the department equal to the contributions that would have been paid by the employee had the employee been a member of public employees' retirement system.

(ii) Employer contributions shall be calculated by the department equal to the contributions that would have been paid by the employer had the employee been reported in public employees' retirement system.

(iii) All contributions must be submitted by the employee within five years of electing to establish service credit under this section.

(3) If a member who elected to establish service credit under this section dies or retires for disability prior to payment of contributions under subsection (2)(b) of this section, the member, or in the case of death the surviving spouse or eligible minor children, may:

(a) Pay the bill in full;

(b) If a continuing monthly benefit is chosen, have the benefit actuarially reduced to reflect the amount of the unpaid obligation under subsection (2)(b) of this section; or

(c) Continue to make payment against the obligation under subsection (2)(b) of this section, provided that payment in full is made no later than five years from the member's original election date.

Passed by the Senate March 10, 2016.

Passed by the House March 3, 2016.

Approved by the Governor April 1, 2016, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 4, 2016.

Note: Governor's explanation of partial veto is as follows:

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

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

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

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

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

CHAPTER 237

[Engrossed Substitute Senate Bill 6528]

INFORMATION TECHNOLOGY SECURITY--PLANNING AND PERFORMANCE

AN ACT Relating to promoting economic development through protection of information technology resources; amending RCW 43.105.054; reenacting and amending RCW 43.105.020; adding a new section to chapter 43.105 RCW; creating new sections; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

***NEW SECTION.** Sec. 1. (1) Communication and information resources in the various state agencies are strategic and vital assets belonging to the people of Washington and are an important component of maintaining a vibrant economy. Coordinated efforts and a sense of urgency are necessary to protect these assets against unauthorized access, disclosure, use, and modification or destruction, whether accidental or deliberate, as well as to assure the confidentiality, integrity, and availability of information.*

(2) State government has a duty to Washington citizens to ensure that the information entrusted to state agencies is safe, secure, and protected from unauthorized access, unauthorized use, or destruction.

(3) Securing the state's communication and information resources is a statewide imperative requiring a coordinated and shared effort from all departments, agencies, and political subdivisions of the state and a long-term commitment to state funding that ensures the success of such efforts.

(4) Risks to communication and information resources must be managed, and the integrity of data and the source, destination, and processes applied to data must be assured.

(5) Information security standards, policies, and guidelines must be adopted and implemented throughout state agencies to ensure the development and maintenance of minimum information security controls to protect communication and information resources that support the operations and assets of those agencies.

(6) Washington state must build upon its existing expertise in information technology including research and development facilities and workforce to become a national leader in cybersecurity.

****Sec. 1 was vetoed. See message at end of chapter.***

Sec. 2. RCW 43.105.020 and 2015 3rd sp.s. c 1 s 102 are each reenacted and amended to read as follows:

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

(1) "Agency" means the consolidated technology services agency.

(2) "Board" means the technology services board.

(3) "Customer agencies" means all entities that purchase or use information technology resources, telecommunications, or services from the consolidated technology services agency.

(4) "Director" means the state chief information officer, who is the director of the consolidated technology services agency.

(5) "Enterprise architecture" means an ongoing activity for translating business vision and strategy into effective enterprise change. It is a continuous activity. Enterprise architecture creates, communicates, and improves the key principles and models that describe the enterprise's future state and enable its evolution.

(6) "Equipment" means the machines, devices, and transmission facilities used in information processing, including but not limited to computers, terminals, telephones, wireless communications system facilities, cables, and any physical facility necessary for the operation of such equipment.

(7) "Information" includes, but is not limited to, data, text, voice, and video.

(8) "Information security" means the protection of communication and information resources from unauthorized access, use, disclosure, disruption, modification, or destruction in order to:

(a) Prevent improper information modification or destruction;

(b) Preserve authorized restrictions on information access and disclosure;

(c) Ensure timely and reliable access to and use of information; and

(d) Maintain the confidentiality, integrity, and availability of information.

(9) "Information technology" includes, but is not limited to, all electronic technology systems and services, automated information handling, system design and analysis, conversion of data, computer programming, information storage and retrieval, telecommunications, requisite system controls, simulation, electronic commerce, radio technologies, and all related interactions between people and machines.

((~~(9)~~)) (10) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments.

((~~(10)~~)) (11) "K-20 network" means the network established in RCW 43.41.391.

((~~(11)~~)) (12) "Local governments" includes all municipal and quasi-municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately.

((~~(12)~~)) (13) "Office" means the office of the state chief information officer within the consolidated technology services agency.

(((~~(13)~~))) (14) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications.

(((~~(14)~~))) (15) "Proprietary software" means that software offered for sale or license.

(((~~(15)~~))) (16) "Public agency" means any agency of this state or another state; any political subdivision or unit of local government of this state or another state including, but not limited to, municipal corporations, quasi-municipal corporations, special purpose districts, and local service districts; any public benefit nonprofit corporation; any agency of the United States; and any Indian tribe recognized as such by the federal government.

(((~~(16)~~))) (17) "Public benefit nonprofit corporation" means a public benefit nonprofit corporation as defined in RCW 24.03.005 that is receiving local, state, or federal funds either directly or through a public agency other than an Indian tribe or political subdivision of another state.

(((~~(17)~~))) (18) "Public record" has the definitions in RCW 42.56.010 and chapter 40.14 RCW and includes legislative records and court records that are available for public inspection.

(((~~(18)~~))) (19) "Security incident" means an accidental or deliberative event that results in or constitutes an imminent threat of the unauthorized access, loss, disclosure, modification, disruption, or destruction of communication and information resources.

(20) "State agency" means every state office, department, division, bureau, board, commission, or other state agency, including offices headed by a statewide elected official.

(((~~(19)~~))) (21) "Telecommunications" includes, but is not limited to, wireless or wired systems for transport of voice, video, and data communications, network systems, requisite facilities, equipment, system controls, simulation, electronic commerce, and all related interactions between people and machines.

(((~~(20)~~))) (22) "Utility-based infrastructure services" includes personal computer and portable device support, servers and server administration, security administration, network administration, telephony, email, and other information technology services commonly used by state agencies.

Sec. 3. RCW 43.105.054 and 2015 3rd sp.s. c 1 s 108 are each amended to read as follows:

(1) The director shall establish standards and policies to govern information technology in the state of Washington.

(2) The office shall have the following powers and duties related to information services:

(a) To develop statewide standards and policies governing the:

(i) Acquisition of equipment, software, and technology-related services;

(ii) Disposition of equipment;

(iii) Licensing of the radio spectrum by or on behalf of state agencies; and

(iv) Confidentiality of computerized data;

(b) To develop statewide and interagency technical policies, standards, and procedures;

(c) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public

postsecondary education institutions, educational service districts, or statewide or regional providers of K-12 information technology services;

(d) With input from the legislature and the judiciary, ((~~[to]~~)) to provide direction concerning strategic planning goals and objectives for the state;

(e) To establish policies for the periodic review by the director of state agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

(ii) Training and education;

(iii) Project management; and

(iv) Cybersecurity;

(f) To coordinate with state agencies with an annual information technology expenditure that exceeds ten million dollars to implement a technology business management program to identify opportunities for savings and efficiencies in information technology expenditures and to monitor ongoing financial performance of technology investments; ((~~and~~))

(g) In conjunction with the consolidated technology services agency, to develop statewide standards for agency purchases of technology networking equipment and services;

(h) To implement a process for detecting, reporting, and responding to security incidents consistent with the information security standards, policies, and guidelines adopted by the director;

(i) To develop plans and procedures to ensure the continuity of commerce for information resources that support the operations and assets of state agencies in the event of a security incident; and

(j) To work with the department of commerce and other economic development stakeholders to facilitate the development of a strategy that includes key local, state, and federal assets that will create Washington as a national leader in cybersecurity. The office shall collaborate with, including but not limited to, community colleges, universities, the national guard, the department of defense, the department of energy, and national laboratories to develop the strategy.

(3) Statewide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The office shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems, including wireless communications systems; and

(b) Require agencies to include an evaluation of electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the office is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.105 RCW to read as follows:

(1) The office must evaluate the extent to which the state is building upon its existing expertise in information technology to become a national leader in cybersecurity, as described in section 1(6) of this act, by periodically evaluating the state's performance in achieving the following objectives:

(a) High levels of compliance with the state's information technology security policy and standards, as demonstrated by the attestation that state agencies make annually to the office in which they report their implementation of best practices identified by the office;

(b) Achieving recognition from the federal government as a leader in cybersecurity, as evidenced by federal dollars received for ongoing efforts or for piloting cybersecurity programs;

(c) Developing future leaders in cybersecurity, as evidenced by an increase in the number of students trained, and cybersecurity programs enlarged in educational settings from a January 1, 2016, baseline;

(d) Broad participation in cybersecurity trainings and exercises or outreach, as evidenced by the number of events and the number of participants;

(e) Full coverage and protection of state information technology assets by a centralized cybersecurity protocol; and

(f) Adherence by state agencies to recovery and resilience plans post cyber attack.

(2) The office is encouraged to collaborate with community colleges, universities, the department of commerce, and other stakeholders in obtaining the information necessary to measure its progress in achieving these objectives.

(3) Before December 1, 2020, the office must report to the legislature:

(a) Its performance in achieving the objectives described in subsection (1) of this section; and

(b) Its recommendations, if any, for additional or different metrics that would improve measurement of the effectiveness of the state's efforts to maintain leadership in cybersecurity.

(4) This section expires October 1, 2021.

NEW SECTION. **Sec. 5.** This act may be known and cited as the cybersecurity jobs act of 2016.

Passed by the Senate March 8, 2016.

Passed by the House March 3, 2016.

Approved by the Governor April 1, 2016, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 4, 2016.

Note: Governor's explanation of partial veto is as follows:

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

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

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

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

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

CHAPTER 238

[Engrossed Second Substitute Senate Bill 6534]

MATERNAL MORTALITY REVIEW PANEL--ESTABLISHMENT

AN ACT Relating to establishing a maternal mortality review panel; amending RCW 42.56.360; adding a new section to chapter 70.54 RCW; creating a new section; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

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

(1) For the purposes of this section, "maternal mortality" or "maternal death" means a death of a woman while pregnant or within one year of delivering or following the end of a pregnancy, whether or not the woman's death is related to or aggravated by the pregnancy.

(2) A maternal mortality review panel is established to conduct comprehensive, multidisciplinary reviews of maternal deaths in Washington to identify factors associated with the deaths and make recommendations for system changes to improve health care services for women in this state. The members of the panel must be appointed by the secretary of the department of health, must serve without compensation, and may include:

(a) An obstetrician;

(b) A physician specializing in maternal fetal medicine;

(c) A neonatologist;

(d) A midwife with licensure in the state of Washington;

(e) A representative from the department of health who works in the field of maternal and child health;

(f) A department of health epidemiologist with experience analyzing perinatal data;

(g) A pathologist; and

(h) A representative of the community mental health centers.

(3) The maternal mortality review panel must conduct comprehensive, multidisciplinary reviews of maternal mortality in Washington. The panel may not call witnesses or take testimony from any individual involved in the investigation of a maternal death or enforce any public health standard or criminal law or otherwise participate in any legal proceeding relating to a maternal death.

(4)(a) Information, documents, proceedings, records, and opinions created, collected, or maintained by the maternity mortality review panel or the department of health in support of the maternal mortality review panel are confidential and are not subject to public inspection or copying under chapter 42.56 RCW and are not subject to discovery or introduction into evidence in any civil or criminal action.

(b) Any person who was in attendance at a meeting of the maternal mortality review panel or who participated in the creation, collection, or maintenance of the panel's information, documents, proceedings, records, or opinions may not be permitted or required to testify in any civil or criminal action as to the content of such proceedings, or the panel's information, documents, records, or opinions. This subsection does not prevent a member of

the panel from testifying in a civil or criminal action concerning facts which form the basis for the panel's proceedings of which the panel member had personal knowledge acquired independently of the panel or which is public information.

(c) Any person who, in substantial good faith, participates as a member of the maternal mortality review panel or provides information to further the purposes of the maternal mortality review panel may not be subject to an action for civil damages or other relief as a result of the activity or its consequences.

(d) All meetings, proceedings, and deliberations of the maternal mortality review panel may, at the discretion of the maternal mortality review panel, be confidential and may be conducted in executive session.

(e) The maternal mortality review panel and the secretary of the department of health may retain identifiable information regarding facilities where maternal deaths, or from which the patient was transferred, occur and geographic information on each case solely for the purposes of trending and analysis over time. All individually identifiable information must be removed before any case review by the panel.

(5) The department of health shall review department available data to identify maternal deaths. To aid in determining whether a maternal death was related to or aggravated by the pregnancy, and whether it was preventable, the department of health has the authority to:

(a) Request and receive data for specific maternal deaths including, but not limited to, all medical records, autopsy reports, medical examiner reports, coroner reports, and social service records; and

(b) Request and receive data as described in (a) of this subsection from health care providers, health care facilities, clinics, laboratories, medical examiners, coroners, professions and facilities licensed by the department of health, local health jurisdictions, the health care authority and its licensees and providers, and the department of social and health services and its licensees and providers.

(6) Upon request by the department of health, health care providers, health care facilities, clinics, laboratories, medical examiners, coroners, professions and facilities licensed by the department of health, local health jurisdictions, the health care authority and its licensees and providers, and the department of social and health services and its licensees and providers must provide all medical records, autopsy reports, medical examiner reports, coroner reports, social services records, information and records related to sexually transmitted diseases, and other data requested for specific maternal deaths as provided for in subsection (5) of this section to the department.

(7) By July 1, 2017, and biennially thereafter, the maternal mortality review panel must submit a report to the secretary of the department of health and the health care committees of the senate and house of representatives. The report must protect the confidentiality of all decedents and other participants involved in any incident. The report must be distributed to relevant stakeholder groups for performance improvement. Interim results may be shared at the Washington state hospital association coordinated quality improvement program. The report must include the following:

(a) A description of the maternal deaths reviewed by the panel during the preceding twenty-four months, including statistics and causes of maternal deaths

presented in the aggregate, but the report must not disclose any identifying information of patients, decedents, providers, and organizations involved; and

(b) Evidence-based system changes and possible legislation to improve maternal outcomes and reduce preventable maternal deaths in Washington.

Sec. 2. RCW 42.56.360 and 2014 c 223 s 17 are each amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the pharmacy quality assurance commission as provided in RCW 69.45.090;

(b) Information obtained by the pharmacy quality assurance commission or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW 43.70.056, for reporting of health care-associated infections under RCW 43.70.056, a notification of an incident under RCW 70.56.040(5), and reports regarding adverse events under RCW 70.56.020(2)(b), regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1);

(g) Information obtained by the department of health under chapter 70.225 RCW;

(h) Information collected by the department of health under chapter 70.245 RCW except as provided in RCW 70.245.150;

(i) Cardiac and stroke system performance data submitted to national, state, or local data collection systems under RCW 70.168.150(2)(b);

(j) All documents, including completed forms, received pursuant to a wellness program under RCW 41.04.362, but not statistical reports that do not identify an individual; and

(k) Data and information exempt from disclosure under RCW 43.371.040.

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

(3)(a) Documents related to infant mortality reviews conducted pursuant to RCW 70.05.170 are exempt from disclosure as provided for in RCW 70.05.170(3).

(b)(i) If an agency provides copies of public records to another agency that are exempt from public disclosure under this subsection (3), those records remain exempt to the same extent the records were exempt in the possession of the originating entity.

(ii) For notice purposes only, agencies providing exempt records under this subsection (3) to other agencies may mark any exempt records as "exempt" so that the receiving agency is aware of the exemption, however whether or not a record is marked exempt does not affect whether the record is actually exempt from disclosure.

(4) Information and documents related to maternal mortality reviews conducted pursuant to section 1 of this act are confidential and exempt from public inspection and copying.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 4.** This act expires June 30, 2020.

Passed by the Senate March 8, 2016.
Passed by the House March 3, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 239

[Senate Bill 6607]

STATE ROUTE 276--ELIMINATION

AN ACT Relating to state route number 276; and repealing RCW 47.17.502.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** RCW 47.17.502 (State route No. 276) and 1973 1st ex.s. c 151 s 7 are each repealed.

Passed by the Senate February 16, 2016.
Passed by the House March 4, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.

CHAPTER 240

[Engrossed Senate Bill 6620]

SCHOOL SAFETY AND SECURITY--PLANNING

AN ACT Relating to cost-effective methods for maintaining and increasing school safety; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.310 RCW; creating new sections; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

PART I

NEW SECTION. **Sec. 1.** The legislature recognizes that public schools are required to have safe school plans and procedures in place. The legislature acknowledges that there are costs associated with these plans and procedures. The legislature intends to review the funding of school safety and security programs and work toward a statewide plan for funding cost-effective methods for school safety that meet the needs of local school districts.

NEW SECTION. **Sec. 2.** (1) The Washington state institute for public policy shall complete an evaluation of how Washington and other states have addressed the funding of school safety and security programs and submit a report to the appropriate committees of the legislature, the governor, and the office of the superintendent of public instruction by December 1, 2017.

(2) This section expires August 1, 2018.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction and the school safety advisory committee shall hold annual school safety summits. Each annual summit must focus on establishing and monitoring the progress of a statewide plan for funding cost-effective methods for school safety that meet local needs. Other areas of focus may include planning and implementation of school safety planning efforts, training of school safety professionals, and integrating mental health and security measures.

(2) Summit participants must be appointed no later than August 1, 2016.

(a) The majority and minority leaders of the senate shall appoint two members from each of the relevant caucuses of the senate.

(b) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives.

(c) The governor shall appoint one representative.

(3) Other summit participants may include representatives from the office of the superintendent of public instruction, the department of health, educational service districts, educational associations, emergency management, law enforcement, fire departments, parent organizations, and student organizations.

(4) Staff support for the annual summit shall be provided by the office of the superintendent of public instruction and the school safety advisory committee.

(5) Legislative members of the summit are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

NEW SECTION. **Sec. 4.** (1) In order to foster a school climate that promotes safety and security, school district staff should receive proper training in developing students' social and emotional skills. The office of the superintendent of public instruction shall create and maintain an online social and emotional training module for educators, administrators, and other school district staff. The module must be available by September 1, 2017.

(2) The training module must be based on the recommendations of the office of the superintendent of public instruction's 2016 report on comprehensive benchmarks for developmentally appropriate interpersonal and decision-making knowledge and skills of social and emotional learning. The module must promote students' self-awareness, self-management, social-awareness, relationships, and responsible decision making.

PART II

NEW SECTION. **Sec. 5.** The legislature finds that school personnel are often the first responders when there is a violent threat or natural or man-made disaster at a school. The legislature further finds there is a need to develop training for school personnel to intervene and provide assistance during these emergency incidents. The legislature recognizes an educational service district has developed a model for a regional school safety and security center, which can provide this type of training.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.310 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, educational service districts may implement a regional school safety and security program modeled after the educational service district that has developed a regional school safety and security center.

(2) The programs should include the following components:

(a) Establishment of a network of school safety coordinators for the educational service districts, which shall focus on prevention planning, intervention, mitigation, crisis response, and community recovery regarding emergency incidents in schools;

(b) Collaboration with the educational service district that developed the model for a regional school safety and security center to adopt its model for a regional school safety and security center;

(c) Creation of technology-based systems that enable more efficient and effective communication between schools and emergency response entities, including local law enforcement, local fire department, and state and federal responders;

(d) Provision of technology support to improve communication and data management between schools and emergency response entities;

(e) Ongoing training of school personnel and emergency responders to establish a system for preventative identification, intervention strategies, and management of risk behaviors;

(f) Development of a professional development to train school personnel as first responders until the arrival of emergency responders; and

(g) Building collaborative relationships between other educational service districts, the office of the superintendent of public instruction, and the school safety advisory committee.

Passed by the Senate March 8, 2016.

Passed by the House March 2, 2016.

Approved by the Governor April 1, 2016.

Filed in Office of Secretary of State April 4, 2016.

CHAPTER 241

[Engrossed Second Substitute Senate Bill 6194]

PUBLIC CHARTER SCHOOLS

AN ACT Relating to public schools that are not common schools; amending RCW 28B.76.526; reenacting and amending RCW 28A.710.010, 28A.710.020, 28A.710.030, 28A.710.040, 28A.710.050, 28A.710.060, 28A.710.070, 28A.710.080, 28A.710.090, 28A.710.100, 28A.710.110, 28A.710.120, 28A.710.130, 28A.710.140, 28A.710.150, 28A.710.160, 28A.710.170, 28A.710.180, 28A.710.190, 28A.710.200, 28A.710.210, 28A.710.220, 28A.710.230, 28A.710.250, 28A.150.010, and 28A.315.005; reenacting RCW 28A.710.240, 28A.710.260, 41.32.033, 41.35.035, 41.40.025, 41.05.011, 41.56.0251, and 41.59.031; adding new sections to chapter 28A.710 RCW; creating a new section; repealing RCW 28A.710.005; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

PART I

CHARTER PUBLIC SCHOOLS

Sec. 101. RCW 28A.710.010 and 2013 c 2 s 201 are each reenacted and amended to read as follows:

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

(1) "Applicant" means a nonprofit corporation that has submitted an application to an authorizer. The nonprofit corporation must be either a public benefit nonprofit corporation as defined in RCW 24.03.490, or a nonprofit corporation as defined in RCW 24.03.005 that has applied for tax exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The nonprofit corporation may not be a sectarian or religious organization and must meet all of the requirements for a public benefit nonprofit corporation before receiving any funding under RCW 28A.710.220.

(2) "At-risk student" means a student who has an academic or economic disadvantage that requires assistance or special services to succeed in educational programs. The term includes, but is not limited to, students who do not meet minimum standards of academic proficiency, students who are at risk of dropping out of high school, students in chronically low-performing schools, students with higher than average disciplinary sanctions, students with lower participation rates in advanced or gifted programs, students who are limited in English proficiency, students who are members of economically disadvantaged families, and students who are identified as having special educational needs.

(3) "Authorizer" means ((~~an entity~~)) the commission established in RCW 28A.710.070 or a school district approved under RCW 28A.710.090 to review, approve, or reject charter school applications; enter into, renew, or revoke charter contracts with applicants; and oversee the charter schools the entity has authorized.

(4) "Charter contract" means a fixed term, renewable contract between a charter school and an authorizer that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract.

(5) "Charter school" or "((~~public~~)) charter public school" means a public school that is established in accordance with this chapter, governed by a charter school board, and operated according to the terms of a charter contract executed under this chapter ((~~and includes a new charter school and a conversion charter school~~)).

(6) "Charter school board" means the board of directors appointed or selected under the terms of a charter application to manage and operate the charter school.

(7) "Commission" means the Washington state charter school commission established in RCW 28A.710.070.

(8) ((~~"Conversion charter school" means a charter school created by converting an existing noncharter public school in its entirety to a charter school under this chapter.~~

~~(9) "New charter school" means any charter school established under this chapter that is not a conversion charter school.~~

~~(10)~~)) "Parent" means a parent, guardian, or other person or entity having legal custody of a child.

(((~~(11)~~))) (9) "Student" means ((~~any~~)) a child eligible ((~~under RCW 28A.225.160~~)) to attend a public school in the state.

Sec. 102. RCW 28A.710.020 and 2013 c 2 s 202 are each reenacted and amended to read as follows:

A charter school established under this chapter:

(1) Is a public((~~, common~~)) school that is:

(a) Open to all children free of charge and by choice; and

(b) Operated separately from the common school system as an alternative to traditional common schools;

(2) ((~~Is a public, common school offering~~)) May offer any program or course of study that ((~~a noncharter~~)) any other public school may offer, including one or more of grades kindergarten through twelve;

(3) Is governed by a charter school board according to the terms of a renewable, five-year charter contract executed under RCW 28A.710.160;

(4) ((~~Is a public school to which parents choose to send their children;~~

~~(5)~~)) Functions as a local education agency under applicable federal laws and regulations and is responsible for meeting the requirements of local education agencies and public schools under those federal laws and regulations, including but not limited to compliance with the individuals with disabilities education improvement act (20 U.S.C. Sec. 1401 et seq.), the federal educational rights and privacy act (20 U.S.C. Sec. 1232g), the McKinney-Vento homeless assistance act of 1987 (42 U.S.C. Sec. 11431 et seq.), and the elementary and secondary education act (20 U.S.C. Sec. 6301 et seq.).

Sec. 103. RCW 28A.710.030 and 2013 c 2 s 203 are each reenacted and amended to read as follows:

(1) To ((~~carry out~~)) fulfill its duty to manage and operate the charter school, and ((~~carry out~~)) to execute the terms of its charter contract, a charter school board may:

(a) Hire, manage, and discharge ((~~any~~)) charter school employees in accordance with the terms of this chapter and ((~~that~~)) the school's charter contract;

(b) Receive and disburse funds for the purposes of the charter school;

(c) Enter into contracts with any school district, educational service district, or other public or private entity for the provision of real property, equipment, goods, supplies, and services, including educational instructional services ((~~and including~~)), pupil transportation services, and for the management and operation

of the charter school ((~~to the same extent as other noncharter public schools, as long as~~)), provided the charter school board maintains oversight authority over the charter school. Contracts for management operation of the charter school may only be with nonprofit organizations;

(d) Rent, lease, purchase, or own real property. All charter contracts and contracts with other entities must include provisions regarding the disposition of the property if the charter school fails to open as planned or closes, or if the charter contract is revoked or not renewed;

(e) Issue secured and unsecured debt, including pledging, assigning, or encumbering its assets to be used as collateral for loans or extensions of credit to manage cash flow, improve operations, or finance the acquisition of real property or equipment((~~: PROVIDED, That~~)). However, the ((~~public~~)) charter public school may not pledge, assign, or encumber any public funds received or to be received pursuant to RCW 28A.710.220. ((~~The~~)) Debt issued under this subsection (1)(e) is not a general, special, or moral obligation of the state, the charter school authorizer, the school district in which the charter school is located, or any other political subdivision or agency of the state. Neither the full faith and credit nor the taxing power of the state, or any political subdivision or agency of the state, may be pledged for the payment of the debt;

(f) Solicit, accept, and administer for the benefit of the charter school and its students, gifts, grants, and donations from individuals, or public or private entities, excluding ((~~from~~)) sectarian or religious organizations. A charter school((~~s~~)) board may not accept any gifts or donations ((~~the conditions of which~~)) that violate this chapter or other state laws; and

(g) Issue diplomas to students who meet state high school graduation requirements established under RCW 28A.230.090. A charter school board may establish additional graduation requirements.

(2) A charter school board must contract for an independent performance audit of the school to be conducted: (a) The second year immediately following the school's first full school year of operation; and (b) every three years thereafter. The performance audit must be conducted in accordance with United States general accounting office government auditing standards. A performance audit in compliance with this section does not inhibit the state auditor's office from conducting a performance audit of the school.

(3) A charter school board may not levy taxes or issue tax-backed bonds.

(4) A charter school board may not acquire property by eminent domain.

(5) A charter school board, through web site postings and written notice with receipt acknowledged by signature of the recipient, must advise families of new, ongoing, and prospective students of any ongoing litigation challenging the constitutionality of charter schools or that may require charter schools to cease operations.

Sec. 104. RCW 28A.710.040 and 2013 c 2 s 204 are each reenacted and amended to read as follows:

(1) A charter school must operate according to the terms of its charter contract and the provisions of this chapter.

(2) ((~~All~~)) A charter school((~~s~~)) must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts and to the same

extent as school districts, including but not limited to chapter 28A.642 RCW (discrimination prohibition) and chapter 28A.640 RCW (sexual equality);

(b) Provide a program of basic education, ((~~as provided~~)) that meets the goals in RCW 28A.150.210, including instruction in the essential academic learning requirements, and participate in the statewide student assessment system as developed under RCW 28A.655.070;

(c) Employ certificated instructional staff as required in RCW 28A.410.025((~~: PROVIDED, That~~)). Charter schools, however, may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

(d) Comply with the employee record check requirements in RCW 28A.400.303;

(e) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance;

(f) Comply with the annual performance report under RCW 28A.655.110;

(g) Be subject to the performance improvement goals adopted by the state board of education under RCW 28A.305.130;

(h) Comply with the open public meetings act in chapter 42.30 RCW and public records requirements in chapter 42.56 RCW; and

(i) Be subject to and comply with legislation enacted after December 6, 2012, ((~~governing~~)) that governs the operation and management of charter schools.

(3) ((~~Public~~)) Charter public schools must comply with all state statutes and rules made applicable to the charter school in the school's charter contract, and are subject to the specific state statutes and rules identified in subsection (2) of this section. For the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs to improve student outcomes and academic achievement, charter schools are not subject to, and are exempt from, all other state statutes and rules applicable to school districts and school district boards of directors((~~, for the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs in order to improve student outcomes and academic achievement~~)). Except as provided otherwise by this chapter or a charter contract, charter schools are exempt from all school district policies ((~~except policies made applicable in the school's charter contract~~)).

(4) ((~~No~~)) A charter school may not engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Charter schools are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures, to the same extent as other public schools, except as otherwise provided in this chapter ((~~2, Laws of 2013~~)).

Sec. 105. RCW 28A.710.050 and 2013 c 2 s 205 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (3) of this section, a charter school may not limit admission on any basis other than age group, grade level, or enrollment capacity ((~~and must enroll all students who apply within these bases~~)). A charter school is open to any student regardless of his or her location of residence.

(2) A charter school may not charge tuition, but may charge fees for participation in optional extracurricular events and activities in the same manner and to the same extent as do other public schools.

(3) ((~~A conversion charter school must provide sufficient capacity to enroll all students who wish to remain enrolled in the school after its conversion to a charter school, and may not displace students enrolled before the chartering process.~~

~~(4)~~)) If capacity is insufficient to enroll all students who apply to a charter school, the charter school must ((~~select students through a lottery to ensure fairness. However, a charter school must give an enrollment preference to siblings of already enrolled students~~)) grant an enrollment preference to siblings of enrolled students, with any remaining enrollments allocated through a lottery. A charter school may offer, pursuant to an admissions policy approved by the commission, a weighted enrollment preference for at-risk students or to children of full-time employees of the school if the employees' children reside within the state.

(((~~(5)~~))) (4) The enrollment capacity of a charter school must be determined annually by the charter school board in consultation with the charter authorizer and with consideration of the charter school's ability to facilitate the academic success of its students, achieve the objectives specified in the charter contract, and assure that its student enrollment does not exceed the capacity of its facility. An authorizer may not restrict the number of students a charter school may enroll.

(((~~(6)~~))) (5) Nothing in this section prevents formation of a charter school whose mission is to offer a specialized learning environment and services for particular groups of students, such as at-risk students, students with disabilities, or students who pose such severe disciplinary problems that they warrant a specific educational program. Nothing in this section prevents formation of a charter school organized around a special emphasis, theme, or concept as stated in the school's application and charter contract.

Sec. 106. RCW 28A.710.060 and 2013 c 2 s 206 are each reenacted and amended to read as follows:

(1) School districts must provide information to parents and the general public about charter schools located within the district as an enrollment option for students.

(2) If a student who was previously enrolled in a charter school enrolls in another public school in the state, the student's new school must accept credits earned by the student in the charter school in the same manner and according to the same criteria that credits are accepted from other public schools.

(3) A charter school ((~~is eligible for~~)) may participate in state or district-sponsored interscholastic programs, awards, scholarships, or competitions to the same extent as other public schools.

Sec. 107. RCW 28A.710.070 and 2013 c 2 s 208 are each reenacted and amended to read as follows:

(1) The Washington state charter school commission is established as an independent state agency whose mission is to authorize high quality ((~~public~~)) charter public schools throughout the state, ((~~particularly~~)) especially schools

that are designed to expand opportunities for at-risk students, and to ensure the highest standards of accountability and oversight for these schools.

(2) The commission shall, through its management, supervision, and enforcement of the charter contracts and pursuant to applicable law, administer the ((~~portion of the public common school system consisting of the~~)) charter schools it authorizes ((~~as provided in this chapter,~~)) in the same manner as a school district board of directors((~~, through its management, supervision, and enforcement of the charter contracts, and pursuant to applicable law, administers the charter schools it authorizes~~)) administers other schools.

((~~(2)~~)) (3)(a) The commission shall consist of:

(i) Nine appointed members((~~, no more than five of whom shall be members of the same political party~~));

(ii) The superintendent of public instruction or the superintendent's designee; and

(iii) The chair of the state board of education or the chair's designee.

(b) Appointments to the commission shall be as follows: Three members shall be appointed by the governor; three members shall be appointed by the ((~~president of the~~)) senate, with two members appointed by the leader of the largest caucus of the senate and one member appointed by the leader of the minority caucus of the senate; and three members shall be appointed by the ((~~speaker of the~~)) house of representatives, with two members appointed by the speaker of the house of representatives and one member appointed by the leader of the minority caucus of the house of representatives. The appointing authorities shall assure diversity among commission members, including representation from various geographic areas of the state and shall assure that at least one member is ((~~a~~)) the parent of a Washington public school student.

((~~(3)~~)) (4) Members appointed to the commission shall collectively possess strong experience and expertise in public and nonprofit governance; management and finance; public school leadership, assessment, curriculum, and instruction; and public education law. All appointed members shall have demonstrated an understanding of and commitment to charter schooling as a strategy for strengthening public education.

((~~(4)~~)) (5) Appointed members shall ((~~be appointed to~~)) serve four-year, staggered terms((~~, with~~)). The initial appointments from each of the appointing authorities ((~~consisting~~)) must consist of one member appointed to a one-year term, one member appointed to a two-year term, and one member appointed to a three-year term, all of whom thereafter may be reappointed for a four-year term. No appointed member may serve more than two consecutive terms. Initial appointments must be made ((~~no later than ninety days after December 6, 2012~~)) by July 1, 2016.

((~~(5)~~)) (6) Whenever a vacancy on the commission exists among its appointed membership, the original appointing authority must appoint a member for the remaining portion of the term within no more than thirty days.

((~~(6)~~)) (7) Commission members shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

((~~(7) Operational and staff support for the commission shall be provided by the office of the governor until the commission has sufficient resources to hire or contract for separate staff support, who~~))

(8) The commission shall reside within the office of the ((~~governor~~)) superintendent of public instruction for administrative purposes only.

(((~~(8)~~))) (9) RCW 28A.710.090 and 28A.710.120 do not apply to the commission.

Sec. 108. RCW 28A.710.080 and 2013 c 2 s 207 are each reenacted and amended to read as follows:

The following entities ((~~are eligible to~~)) may be authorizers of charter schools:

(1) The ((~~Washington charter school~~)) commission ((~~established under RCW 28A.710.070,~~)) may exercise the authority granted under this section for charter schools located anywhere in the state; and

(2) A school district board((~~s~~)) of directors ((~~that have been approved by the state board of education under RCW 28A.710.090 before authorizing a charter school,~~)) may exercise the authority granted under this section only after receiving approval from the state board of education under RCW 28A.710.090, and only for charter schools located within the school district's ((~~own~~)) boundaries.

Sec. 109. RCW 28A.710.090 and 2013 c 2 s 209 are each reenacted and amended to read as follows:

(1) The state board of education shall establish an annual application and approval process and timelines for ((~~entities~~)) school districts seeking approval to ((~~be~~)) become charter school authorizers. The initial process and timelines must be established ((~~no later than ninety days after December 6, 2012~~)) by July 1, 2016.

(2) At a minimum, each applicant district must submit to the state board of education:

(a) The applicant's strategic vision for chartering;

(b) A plan to support the vision presented, including explanation and evidence of the applicant's budget and personnel capacity and commitment to execute the responsibilities of quality charter authorizing;

(c) A draft or preliminary outline of the ((~~request for proposals~~)) annual charter school application process that the applicant would, if approved as an authorizer, issue to solicit charter school applicants;

(d) A draft of the performance framework that the applicant would, if approved as an authorizer, use to guide the establishment of a charter contract and use for ongoing oversight and evaluation of charter schools;

(e) A draft of the applicant's proposed renewal, revocation, and nonrenewal processes, consistent with RCW 28A.710.190 and 28A.710.200;

(f) A statement of assurance that the applicant seeks to serve as an authorizer in fulfillment of the expectations, spirit, and intent of this chapter, and that, if approved as an authorizer, the applicant will fully participate in any authorizer training provided or required by the state; and

(g) A statement of assurance that the applicant will provide public accountability and transparency in all matters concerning charter authorizing practices, decisions, and expenditures.

(3) The state board of education shall consider the merits of each application and make its decision within the timelines established by the state board of education.

(4) Within thirty days of making a decision to approve an application under this section, the state board of education must execute a renewable authorizing contract with the ((~~entity~~)) applicant district. The initial term of an authorizing contract ((~~shall~~)) must be six years. The authorizing contract must specify each approved ((~~entity's~~)) applicant district's agreement to serve as an authorizer in accordance with the expectations of this chapter, and may specify additional performance terms based on the applicant's proposal and plan for chartering.

(5) No approved ((~~entity~~)) school district may commence charter authorizing without an authorizing contract in effect.

Sec. 110. RCW 28A.710.100 and 2013 c 2 s 210 are each reenacted and amended to read as follows:

(1) Authorizers are responsible for:

(a) Soliciting and evaluating charter applications;

(b) Approving ((~~quality~~)) charter applications that meet identified educational needs and promote a diversity of educational choices;

(c) Denying ((~~weak or inadequate~~)) charter applications that fail to meet statutory requirements, requirements of the authorizer, or both;

(d) Negotiating and executing ((~~sound~~)) charter contracts with each authorized charter school;

(e) Monitoring, in accordance with charter contract terms, the performance and legal compliance of charter schools including, without limitation, education and academic performance goals and student achievement; and

(f) Determining whether each charter contract merits renewal, nonrenewal, or revocation.

(2) An authorizer may delegate its responsibilities under this section to employees or contractors.

(3) All authorizers must develop and follow chartering policies and practices that are consistent with the principles and standards for quality charter authorizing developed by the national association of charter school authorizers in at least the following areas:

(a) Organizational capacity and infrastructure;

(b) Soliciting and evaluating charter applications;

(c) Performance contracting;

(d) Ongoing charter school oversight and evaluation; and

(e) Charter renewal decision making.

(4) Each authorizer must submit an annual report to the state board of education, according to a timeline, content, and format specified by the board((~~, which~~)) that includes:

(a) The authorizer's strategic vision for chartering and progress toward achieving that vision;

(b) The academic and financial performance of all operating charter schools ((~~overseen by the authorizer~~)) under its jurisdiction, including the progress of the charter schools based on the authorizer's performance framework;

(c) The status of the authorizer's charter school portfolio, identifying all charter schools in each of the following categories: (i) Approved but not yet open((~~,~~)); (ii) operating((~~,~~)); (iii) renewed((~~,~~)); (iv) transferred((~~,~~)); (v) revoked((~~,~~)); (vi) not renewed((~~,~~)); (vii) voluntarily closed((~~,~~)); or (viii) never opened;

(d) The authorizer's operating costs and expenses detailed in annual audited financial statements that conform with generally accepted accounting principles; and

(e) The services purchased from the authorizer by the charter schools under its jurisdiction under RCW 28A.710.110, including an itemized accounting of the actual costs of these services.

(5) Neither an authorizer, individuals who comprise the membership of an authorizer in their official capacity, nor the employees of an authorizer are liable for acts or omissions of a charter school they authorize.

(6) No employee, trustee, agent, or representative of an authorizer may simultaneously serve as an employee, trustee, agent, representative, vendor, or contractor of a charter school under the jurisdiction of that authorizer.

Sec. 111. RCW 28A.710.110 and 2013 c 2 s 211 are each reenacted and amended to read as follows:

(1) The state board of education shall establish a statewide formula for an authorizer oversight fee, which ((~~shall~~)) must be calculated as a percentage of the state operating funding ((~~allocated~~)) distributed to charter schools under RCW 28A.710.220 to each charter school under the jurisdiction of an authorizer, but may not exceed four percent of each charter school's annual funding. ((~~The office of the superintendent of public instruction shall deduct the oversight fee from each charter school's allocation under RCW 28A.710.220 and transmit the fee to the appropriate authorizer.~~))

(2) The state board of education may establish a sliding scale for the authorizer oversight fee, with the funding percentage decreasing after the authorizer has achieved a certain threshold, such as after a certain number of years of authorizing or after a certain number of charter schools have been authorized.

(3) The office of the superintendent of public instruction shall deduct the oversight fee from each charter school's distribution under RCW 28A.710.220 and transmit the fee to the appropriate authorizer.

(4) An authorizer must use its oversight fee exclusively for the purpose of fulfilling its duties under RCW 28A.710.100.

((~~(4)~~)) (5) An authorizer may provide contracted, fee-based services to charter schools under its jurisdiction that are in addition to the oversight duties under RCW 28A.710.100. An authorizer may not charge more than market rates for the contracted services provided. An authorizer may not require a charter school ((~~may not be required~~)) to purchase contracted services ((~~from~~)) provided by an authorizer. Fees collected by the authorizer under this subsection must be separately accounted for and reported annually to the state board of education.

Sec. 112. RCW 28A.710.120 and 2013 c 2 s 212 are each reenacted and amended to read as follows:

(1) The state board of education is responsible for overseeing the performance and effectiveness of all authorizers approved under RCW 28A.710.090.

(2) Persistently unsatisfactory performance of an authorizer's portfolio of charter schools, a pattern of well-founded complaints about the authorizer or its charter schools, or other objective circumstances may trigger a special review by the state board of education.

(3) In reviewing or evaluating the performance of authorizers, the state board of education must apply nationally recognized principles and standards for quality charter authorizing. Evidence of material or persistent failure by an authorizer to carry out its duties in accordance with ((~~the~~)) these principles and standards constitutes grounds for revocation of the authorizing contract by the state board of education, as provided under this section.

(4) If at any time the state board of education finds that an authorizer is not in compliance with a charter contract, its authorizing contract, or the authorizer duties under RCW 28A.710.100, the board must notify the authorizer in writing of the identified problems, and the authorizer ((~~shall~~)) must have reasonable opportunity to respond and remedy the problems.

(5) If ((~~an authorizer persists~~)), after due notice from the state board of education, an authorizer persists in violating a material provision of a charter contract or its authorizing contract, or fails to remedy other identified authorizing problems, the state board of education shall notify the authorizer, within a reasonable amount of time under the circumstances, that it intends to revoke the authorizer's chartering authority unless the authorizer demonstrates a timely and satisfactory remedy for the violation or deficiencies.

(6) In the event of revocation of any authorizer's chartering authority, the state board of education shall manage the timely and orderly transfer of each charter contract held by that authorizer to another authorizer in the state, with the mutual agreement of each affected charter school and proposed new authorizer. The new authorizer shall assume the existing charter contract for the remainder of the charter term.

(7) The state board of education must establish timelines and a process for taking actions under this section in response to performance deficiencies by an authorizer.

Sec. 113. RCW 28A.710.130 and 2013 c 2 s 213 are each reenacted and amended to read as follows:

(1)(a) Each authorizer must annually issue and broadly publicize a ((~~request~~)) solicitation for proposals for charter school applicants by the date established by the state board of education under RCW 28A.710.140.

(b) Each authorizer's ((~~request~~)) solicitation for proposals must:

(i) Present the authorizer's strategic vision for chartering, including a clear statement of any preferences the authorizer wishes to grant to applications that employ proven methods for educating at-risk students or students with special needs;

(ii) Include or otherwise direct applicants to the performance framework that the authorizer has developed for charter school oversight and evaluation in accordance with RCW 28A.710.170;

(iii) Provide the criteria that will guide the authorizer's decision to approve or deny a charter application; and

(iv) State clear, appropriately detailed questions as well as guidelines concerning the format and content essential for applicants to demonstrate the capacities necessary to establish and operate a successful charter school.

(2) A charter school application must provide or describe thoroughly all of the following elements of the proposed school plan:

(a) An executive summary;

(b) The mission and vision of the proposed charter school, including identification of the ((~~targeted~~)) student population and ((~~the~~)) community the school hopes to serve;

(c) The location or geographic area proposed for the school and the school district within which the school will be located;

(d) The grades to be served each year for the full term of the charter contract;

(e) Minimum, planned, and maximum enrollment per grade per year for the full term of the charter contract;

(f) Evidence of need and parent and community support for the proposed charter school;

(g) Background information on the proposed founding ((~~governing~~)) charter school board members and, if identified, the proposed school leadership and management team;

(h) The school's proposed calendar and sample daily schedule;

(i) A description of the academic program aligned with state standards;

(j) A description of the school's proposed instructional design, including the type of learning environment((~~;~~)), class size and structure((~~;~~)), curriculum overview((~~;~~)), and teaching methods;

(k) Evidence that the educational program is based on proven methods;

(l) The school's plan for using internal and external assessments to measure and report student progress on the performance framework developed by the authorizer in accordance with RCW 28A.710.170;

(m) The school's plans for identifying, successfully serving, and complying with applicable laws and regulations regarding students with disabilities, students who are limited English proficient, students who are struggling academically, and highly capable students;

(n) A description of cocurricular or extracurricular programs and how ((~~they~~)) those programs will be funded and delivered;

(o) Plans and timelines for student recruitment and enrollment, including targeted plans for recruiting at-risk students and including lottery procedures;

(p) The school's student discipline policies, including for special education students;

(q) An organization chart that clearly presents the school's organizational structure, including lines of authority and reporting between the governing board, staff, any related bodies such as advisory bodies or parent and teacher councils, and any external organizations that will play a role in managing the school;

(r) A clear description of the roles and responsibilities for the governing board, the school's leadership and management team, and any other entities shown in the organization chart;

(s) A staffing plan for the school's first year and for the term of the charter;

(t) Plans for recruiting and developing school leadership and staff;

(u) The school's leadership and teacher employment policies, including performance evaluation plans;

(v) Proposed governing bylaws;

(w) An explanation of proposed partnership agreement, if any, between a charter school and its school district focused on facilities, budgets, taking best practices to scale, and other items;

(x) Explanations of any other partnerships or contractual relationships central to the school's operations or mission;

(y) Plans for providing transportation, food service, and all other significant operational or ancillary services;

(z) Opportunities and expectations for parent involvement;

(aa) A detailed school start-up plan, identifying tasks, timelines, and responsible individuals;

(bb) A description of the school's financial plan and policies, including financial controls and audit requirements;

(cc) A description of the insurance coverage the school will obtain;

(dd) Start-up and five-year cash flow projections and budgets with clearly stated assumptions;

(ee) Evidence of anticipated fund-raising contributions, if claimed in the application; and

(ff) A sound facilities plan, including backup or contingency plans if appropriate.

(3) ((~~In the case of an application to establish a conversion charter school, the applicant must also demonstrate support for the proposed conversion by a petition signed by a majority of teachers assigned to the school or a petition signed by a majority of parents of students in the school.~~

~~(4) In the case of an application where the proposed charter school~~)) If an applicant intends to contract with a nonprofit education service provider for substantial educational services, management services, or both, the applicant must:

(a) Provide evidence of the nonprofit education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions if applicable;

(b) Provide a term sheet setting forth: (i) The proposed duration of the service contract; (ii) the roles and responsibilities of the governing board, the school staff, and the service provider; (iii) the scope of services and resources to be provided by the service provider; (iv) performance evaluation measures and timelines; (v) the compensation structure, including clear identification of all fees to be paid to the service provider; (vi) methods of contract oversight and enforcement; (vii) investment disclosure; and (viii) conditions for renewal and termination of the contract; and

(c) Disclose and explain any existing or potential conflicts of interest between the charter school board and proposed service provider or any affiliated business entities.

((~~(5) In the case of an application from~~)) (4) If an applicant ((~~that~~)) operates one or more schools in any state or nation, the applicant must provide evidence of ((~~past~~)) the performance of those schools, including evidence of the applicant's success in serving at-risk students, and capacity for growth.

((~~(6)~~)) (5) Applicants may submit a proposal for a particular ((~~public~~)) charter public school to no more than one authorizer at a time.

Sec. 114. RCW 28A.710.140 and 2013 c 2 s 214 are each reenacted and amended to read as follows:

(1) The state board of education must establish an annual statewide timeline for charter application submission and approval or denial((~~, which~~)) that must be followed by all authorizers.

(2) In reviewing and evaluating charter applications, authorizers shall employ procedures, practices, and criteria consistent with nationally recognized principles and standards for quality charter authorizing. Authorizers shall give preference to applications for charter schools that are designed to enroll and serve at-risk student populations((~~: PROVIDED, That~~)). However, nothing in this chapter may be construed as intended to limit the establishment of charter schools to those that serve a substantial portion of at-risk students, or to in any manner restrict, limit, or discourage the establishment of charter schools that enroll and serve other pupil populations under a nonexclusive, nondiscriminatory admissions policy. The application review process must include thorough evaluation of each application, an in-person interview with the applicant group, and an opportunity to learn about and provide input on each application in a public forum including, without limitation, parents, community members, local residents, and school district board members and staff((~~, to learn about and provide input on each application~~)).

(3) In deciding whether to approve an application, authorizers must:

(a) Grant charters only to applicants that have demonstrated competence in each element of the authorizer's published approval criteria and are likely to open and operate a successful ((~~public~~)) charter public school;

(b) Base decisions on documented evidence collected through the application review process;

(c) Follow charter-granting policies and practices that are transparent and based on merit; and

(d) Avoid any conflicts of interest, whether real or apparent.

(4) An approval decision may include, if appropriate, reasonable conditions that the charter applicant must meet before a charter contract may be executed.

(5) For any denial of an application, the authorizer shall clearly state in writing its reasons for denial. A denied applicant may subsequently reapply to that authorizer or apply to another authorizer in the state.

Sec. 115. RCW 28A.710.150 and 2013 c 2 s 215 are each reenacted and amended to read as follows:

(1) A maximum of forty ((~~public~~)) charter public schools may be established under this chapter((~~,~~)) over ((~~a~~)) the five-year period commencing with the effective date of this section. No more than eight charter schools may be established in any ((~~single~~)) year during the five-year period, except that if in any ((~~single~~)) year fewer than eight charter schools are established, ((~~then~~)) additional charter schools, equal in number to the difference between the number established in that year and eight, may be established in subsequent years during the five-year period.

(2)(a) To ensure compliance with the limits for establishing new charter schools, certification from the state board of education must be obtained before final authorization of a charter school.

(b) Within ten days of taking action to approve or deny an application under RCW 28A.710.140, an authorizer must submit a report of the action to the applicant and ((~~to~~)) the state board of education((~~, which~~)). The report must include a copy of the authorizer's resolution setting forth the action taken, the

reasons for the decision, and assurances of compliance with the procedural requirements and application elements under RCW 28A.710.130 and 28A.710.140. The authorizer must also indicate whether the charter school is designed to enroll and serve at-risk student populations. The state board of education must establish, for each year in which charter schools may be authorized as part of the timeline to be established pursuant to RCW 28A.710.140, the ((~~last~~)) latest annual date by which the authorizer ((~~must~~)) may submit the report. The state board of education must send to each authorizer notice of the date ((~~to each authorizer no later than~~)) by which a report must be submitted at least six months before the date established by the board.

(3) Upon the receipt of notice from an authorizer that a charter school has been approved, the state board of education shall certify whether the approval is in compliance with the limits on the maximum number of charters allowed under subsection (1) of this section. If the board receives simultaneous notification of approved charters that exceed the annual allowable limits in subsection (1) of this section, the board must select approved charters for implementation through a lottery process, and must assign implementation dates accordingly.

(4) The state board of education must notify authorizers when the maximum allowable number of charter schools has been reached.

Sec. 116. RCW 28A.710.160 and 2013 c 2 s 216 are each reenacted and amended to read as follows:

(1) The purposes of the charter application submitted under RCW 28A.710.130 are to present the proposed charter school's academic and operational vision and plans, and to demonstrate and provide the authorizer with a clear basis for evaluating the applicant's capacities to execute the proposed vision and plans. An approved charter application does not serve as the school's charter contract.

(2) Within ninety days of approval of a charter application, the authorizer and the governing board of the approved charter school must execute a charter contract. The contract must establish the terms by which((~~, fundamentally,~~)) the ((~~public~~)) charter school agrees to provide educational services that, at a minimum, meet basic education standards, in return for ((~~an allocation~~)) a distribution of public funds ((~~to~~)) that will be used for ((~~such~~)) the purposes ((~~all as set forth~~)) established in the contract and in this and other applicable statutes ((~~and in the charter contract~~)). The charter contract must clearly set forth the academic and operational performance expectations and measures by which the charter school will be ((~~judged~~)) evaluated and the administrative relationship between the authorizer and charter school, including each party's rights and duties. The performance expectations and measures set forth in the charter contract must include, but need not be limited to, applicable federal and state accountability requirements. The performance provisions may be refined or amended by mutual agreement after the charter school is operating and has collected baseline achievement data for its enrolled students.

(3) If the charter school is authorized by a school district board of directors, the charter contract must be signed by the president of the applicable school district board of directors ((~~if the school district board of directors is the authorizer or the chair of the commission if the commission is the authorizer and by~~)) and the president of the charter school board. If the charter school is authorized by the commission, the charter contract must be signed by the chair

of the commission and the president of the charter school board. Within ten days of executing a charter contract, the authorizer must submit to the state board of education written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.

(4) A charter contract may govern one or more charter schools to the extent approved by the authorizer. A single charter school board may hold one or more charter contracts. However, each charter school that is part of a charter contract must be separate and distinct from any others and, for purposes of calculating the maximum number of charter schools that may be established under this chapter, each charter school must be considered a single charter school regardless of how many charter schools are governed under a particular charter contract.

(5) An initial charter contract must be granted for a term of five operating years. The contract term must commence on the charter school's first day of operation. An approved charter school may delay its opening for one school year in order to plan and prepare for the school's opening. If the school requires an opening delay of more than one school year, the school must request an extension from its authorizer. The authorizer may grant or deny the contract extension depending on the school's circumstances.

(6) Authorizers ((~~may~~)) shall establish reasonable preopening requirements or conditions to monitor the start-up progress of newly approved charter schools ((~~and~~)), ensure that they are prepared to open smoothly on the date agreed, and ((~~to~~)) ensure that each school meets all building, health, safety, insurance, and other legal requirements for school opening.

(7) No charter school may commence operations without a charter contract executed in accordance with this section.

(8) In accordance with section 140(3) of this act:

(a) The state board of education must take reasonable and necessary steps to provide parties to contracts entered into under or in accordance with chapter 2, Laws of 2013 that were in effect or that had been executed on or before December 1, 2015, with an opportunity to execute new contracts with the same terms and duration or substantially the same terms and duration as were in effect on December 1, 2015; and

(b) Each authorizer must take reasonable and necessary steps to provide parties to contracts entered into under or in accordance with chapter 2, Laws of 2013 that were in effect or that had been executed on or before December 1, 2015, with an opportunity to execute new contracts with the same terms and duration or substantially the same terms and duration as were in effect on December 1, 2015.

(9) Contracts executed pursuant to subsection (8) of this section do not count against the annual cap established in RCW 28A.710.150(1).

(10) For purposes of this section, "substantially the same terms and duration" includes contract modifications necessary to comply with the provisions of this chapter or other applicable law.

Sec. 117. RCW 28A.710.170 and 2013 c 2 s 217 are each reenacted and amended to read as follows:

(1) The performance provisions within a charter contract must be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide an authorizer's evaluations of ((~~each~~)) a charter school within its jurisdiction.

(2) At a minimum, the performance framework must include indicators, measures, and metrics for:

(a) Student academic proficiency;

(b) Student academic growth;

(c) Achievement gaps in both proficiency and growth between major student subgroups;

(d) Attendance;

(e) Recurrent enrollment from year to year;

(f) High school graduation rates and student postsecondary readiness((~~, for high schools~~));

(g) Financial performance and sustainability; and

(h) Charter school board performance and stewardship, including compliance with all applicable laws, rules, and terms of the charter contract.

(3) Annual performance targets must be set by each charter school in conjunction with its authorizer and must be designed to help each school meet applicable federal, state, and authorizer expectations.

(4) The authorizer and charter school may also include additional rigorous, valid, and reliable indicators in the performance framework to augment external evaluations of the charter school's performance.

(5) The performance framework must require the disaggregation of all student performance data by major student subgroups, including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(6) Multiple schools operating under a single charter contract or overseen by a single charter school board must report their performance as separate schools, and each school shall be held independently accountable for its performance.

Sec. 118. RCW 28A.710.180 and 2013 c 2 s 218 are each reenacted and amended to read as follows:

(1) Each authorizer must continually monitor the performance and legal compliance of the charter schools ((~~it oversees~~)) under its jurisdiction, including collecting and analyzing data to support ongoing evaluation according to the performance framework in the charter contract.

(2) An authorizer may conduct or require oversight activities that enable the authorizer to fulfill its responsibilities under this chapter, including conducting appropriate inquiries and investigations, ((~~so long as~~)) if those activities are consistent with the intent of this chapter, adhere to the terms of the charter contract, and do not unduly inhibit the autonomy granted to charter schools.

(3) In the event that a charter school's performance or legal compliance appears unsatisfactory, the authorizer must promptly notify the school of the perceived problem and provide reasonable opportunity for the school to remedy the problem((~~, unless~~)). However, if the problem warrants revocation ((~~in which case~~)) of the charter contract, the revocation procedures under RCW 28A.710.200 apply.

(4) An authorizer may take appropriate corrective actions or exercise sanctions short of revocation in response to apparent deficiencies in charter school performance or legal compliance. ((~~Such~~)) These actions or sanctions may include, if warranted, requiring a school to develop and execute a corrective action plan within a specified time frame.

Sec. 119. RCW 28A.710.190 and 2013 c 2 s 219 are each reenacted and amended to read as follows:

(1) A charter contract may be renewed by the authorizer, at the request of the charter school, for successive five-year terms((~~, although~~)). The authorizer, however, may vary the term based on the performance, demonstrated capacities, and particular circumstances of a charter school, and may grant renewal with specific conditions for necessary improvements to a charter school.

(2) No later than six months before the expiration of a charter contract, the authorizer must issue a performance report and charter contract renewal application guidance to ((~~that~~)) the charter school. The performance report must summarize the charter school's performance record to date based on the data required by the charter contract, and must provide notice of any weaknesses or concerns perceived by the authorizer concerning the charter school that may, if not timely rectified, jeopardize its position in seeking renewal ((~~if not timely rectified~~)). The charter school has thirty days to respond to the performance report and submit any corrections or clarifications for the report.

(3) The renewal application guidance must, at a minimum, provide an opportunity for the charter school to:

(a) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter contract renewal;

(b) Describe improvements undertaken or planned for the school; and

(c) Detail the school's plans for the next charter contract term.

(4) The renewal application guidance must include or refer explicitly to the criteria that will guide the authorizer's renewal decisions, ((~~which shall~~)) and this criteria must be based on the performance framework set forth in the charter contract.

(5) In making charter renewal decisions, an authorizer must:

(a) ((~~Ground~~)) Base its decisions in evidence of the school's performance over the term of the charter contract in accordance with the performance framework set forth in the charter contract;

(b) Ensure that data used in making renewal decisions are available to the school and the public; and

(c) Provide a public report summarizing the evidence basis for its decision.

Sec. 120. RCW 28A.710.200 and 2013 c 2 s 220 are each reenacted and amended to read as follows:

(1) An authorizer may revoke a charter contract ((~~may be revoked~~)) at any time, or ((~~not renewed~~)) may refuse to renew it, if the authorizer determines that the charter school did any of the following or otherwise failed to comply with the provisions of this chapter:

(a) Committed a material and substantial violation of any of the terms, conditions, standards, or procedures required under this chapter or the charter contract;

(b) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter contract;

(c) Failed to meet generally accepted standards of fiscal management; or

(d) Substantially violated any material provision of law from which the charter school is not exempt.

(2) Except as provided otherwise by this subsection (2), an authorizer may not renew a charter contract ((~~may not be renewed~~)) if, at the time of the renewal

application, the charter school's performance falls in the bottom quartile of schools on the ((~~accountability~~)) Washington achievement index developed by the state board of education under RCW 28A.657.110((~~, unless~~)). A contract may be renewed without violating this subsection (2), however, if the charter school demonstrates exceptional circumstances that the authorizer finds justifiable.

(3) Each authorizer must develop revocation and nonrenewal processes that:

(a) Provide the charter school board with a timely notification of the prospect of and reasons for revocation or nonrenewal;

(b) Allow the charter school board a reasonable amount of time in which to prepare a response;

(c) Provide the charter school board with an opportunity, at a recorded public proceeding held for that purpose, to submit documents and give testimony challenging the rationale for closure and in support of the continuation of the school ((~~at a recorded public proceeding held for that purpose~~));

(d) Allow the charter school board to be represented by counsel and to call witnesses on its behalf; and

(e) After a reasonable period for deliberation, require a final determination to be made and conveyed in writing to the charter school board.

(4) If an authorizer revokes or does not renew a charter contract, the authorizer must clearly state in a resolution the reasons for the revocation or nonrenewal.

(5) Within ten days of taking action to renew, not renew, or revoke a charter contract, an authorizer must submit a report of the action to the ((~~applicant~~)) charter school and ((~~to~~)) the state board of education((~~, which~~)). The report must include a copy of the authorizer's resolution setting forth the action taken, the reasons for the decision, and assurances of compliance with the procedural requirements established by the authorizer under this section.

Sec. 121. RCW 28A.710.210 and 2013 c 2 s 221 are each reenacted and amended to read as follows:

(1) Before making a decision to not renew or to revoke a charter contract, an authorizer((~~s~~)) must develop a charter school termination protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, as necessary, and proper disposition of public school funds, property, and assets. The protocol must specify tasks, timelines, and responsible parties, including delineating the respective duties of the charter school and the authorizer.

(2) ((~~In the event that~~)) If the nonprofit corporation ((~~applicant~~)) operator of a charter school should dissolve for any reason including, without limitation, because of the termination of the charter contract, the public school funds of the charter school that have been provided pursuant to RCW 28A.710.220 must be returned to the state or local account from which the public funds originated. If the charter school has commingled the funds, the funds must be returned in proportion to the proportion of those funds received by the charter school from the public accounts in the last year preceding the dissolution. The dissolution of ((~~an applicant~~)) a nonprofit corporation shall otherwise proceed as provided by law.

(3) A charter contract may not be transferred from one authorizer to another or from one charter school ((~~applicant~~)) to another before the expiration of the

charter contract term except by petition to the state board of education by the charter school or its authorizer. The state board of education must review such petitions on a case-by-case basis and may grant transfer requests in response to special circumstances and evidence that such a transfer would serve the best interests of the charter school's students.

Sec. 122. RCW 28A.710.220 and 2013 c 2 s 222 are each reenacted and amended to read as follows:

(1) Charter schools must report student enrollment in the same manner, and based on the same definitions of enrolled students and annual average full-time equivalent enrollment, as other public schools. Charter schools must comply with applicable reporting requirements to receive state or federal funding that is ((~~allocated~~)) distributed based on student characteristics.

(2) ((~~According to the schedule established under RCW 28A.510.250, the superintendent of public instruction shall allocate funding for a charter school including general apportionment, special education, categorical, and other nonbasic education moneys. Allocations must be based on the statewide average staff mix ratio of all noncharter public schools from the prior school year and the school's actual full-time equivalent enrollment. Categorical funding must be allocated to a charter school based on the same funding criteria used for noncharter public schools and the funds must be expended as provided in the charter contract. A charter school is eligible to apply for state grants on the same basis as a school district~~)) In accordance with appropriations made under sections 127 and 128 of this act, the superintendent of public instruction shall distribute state funding to charter schools according to the schedule established in RCW 28A.510.250.

(3) ((~~Allocations for pupil transportation must be calculated on a per student basis based on the allocation for the previous school year to the school district in which the charter school is located. A charter school may enter into a contract with a school district or other public or private entity to provide transportation for the students of the school.~~

~~(4)~~)) Amounts ((~~payable~~)) distributed to a charter school under ((~~this~~)) section 128 of this act in the school's first year of operation must be based on the projections of first-year student enrollment established in the charter contract. The office of the superintendent of public instruction must reconcile the amounts ((~~paid~~)) distributed in the first year of operation to the amounts that would have been ((~~paid~~)) distributed based on actual student enrollment and make adjustments to the charter school's ((~~allocations~~)) distributions over the course of the second year of operation.

(((~~(5) For charter schools authorized by a school district board of directors, allocations to a charter school that are included in RCW 84.52.0531(3) (a) through (c) shall be included in the levy planning, budgets, and funding distribution in the same manner as other public schools in the district.~~

~~(6) Conversion charter schools are eligible for local levy moneys approved by the voters before the conversion start-up date of the school as determined by the authorizer, and the school district must allocate levy moneys to a conversion charter school.~~

~~(7) New charter schools are not eligible for local levy moneys approved by the voters before the start-up date of the school unless the local school district is the authorizer.~~

~~(8) For levies submitted to voters after the start-up date of a charter school authorized under this chapter, the charter school must be included in levy planning, budgets, and funding distribution in the same manner as other public schools in the district.~~

~~(9)~~)) (4) Any moneys received by a charter school from any source and remaining in the school's accounts at the end of ((~~any~~)) a budget year ((~~shall~~)) must remain in the school's accounts for use by the school during subsequent budget years.

Sec. 123. RCW 28A.710.230 and 2013 c 2 s 223 are each reenacted and amended to read as follows:

(1) Charter schools are eligible for state ((~~matching funds~~)) funding for ((~~common~~)) school construction. However, such appropriations may not be made from the common school construction fund.

(2) ((~~A~~)) If a school district decides to sell or lease the public school facility or property pursuant to RCW 28A.335.040 or 28A.335.120, a charter school ((~~has~~)) located within the boundaries of the district has a right of first refusal to purchase or lease at ((~~or below~~)) fair market value a closed public school facility or property or unused portions of a public school facility or property ((~~located in a school district from which it draws its students if the school district decides to sell or lease the public school facility or property pursuant to RCW 28A.335.040 or 28A.335.120~~)) by negotiated agreement with mutual consideration. The consideration may include the provision of educational services by the charter school.

(3) A charter school may negotiate and contract with a school district, the governing body of a public college or university, or any other public or private entity for the use of a facility for a school building at ((~~or below~~)) fair market rent.

(4) Public libraries, community service organizations, museums, performing arts venues, theaters, and public or private colleges and universities may provide space to charter schools within their facilities under their preexisting zoning and land use designations.

(((~~(5) A conversion charter school as part of the consideration for providing educational services under the charter contract may continue to use its existing facility without paying rent to the school district that owns the facility. The district remains responsible for major repairs and safety upgrades that may be required for the continued use of the facility as a public school. The charter school is responsible for routine maintenance of the facility including, but not limited to, cleaning, painting, gardening, and landscaping. The charter contract of a conversion charter school using existing facilities that are owned by its school district must include reasonable and customary terms regarding the use of the existing facility that are binding upon the school district.~~))

Sec. 124. RCW 28A.710.240 and 2013 c 2 s 224 are each reenacted to read as follows:

Years of service in a charter school by certificated instructional staff shall be included in the years of service calculation for purposes of the statewide salary allocation schedule under RCW 28A.150.410. This section does not require a charter school to pay a particular salary to its staff while the staff is employed by the charter school.

Sec. 125. RCW 28A.710.250 and 2013 c 2 s 225 are each reenacted and amended to read as follows:

(1) By December 1st of each year beginning in the first year after there have been charter schools operating for a full school year, the state board of education, in collaboration with the commission, must issue ((~~an annual~~)) a report on the performance of the state's charter schools ((~~for~~)) during the preceding school year to the governor, the legislature, and the public at large.

(2) The annual report must be based on the reports submitted by each authorizer as well as any additional relevant data compiled by the state board of education. The report must include a comparison of the performance of charter school students with the performance of academically, ethnically, and economically comparable groups of students in ((~~noncharter~~)) other public schools. In addition, the annual report must include the state board of education's assessment of the successes, challenges, and areas for improvement in meeting the purposes of this chapter, including the board's assessment of the sufficiency of funding for charter schools, the efficacy of the formula for authorizer funding, and any suggested changes in state law or policy necessary to strengthen the state's charter schools.

(3) Together with the issuance of the annual report following the fifth year after there have been charter schools operating for a full school year, the state board of education, in collaboration with the commission, shall submit a recommendation regarding whether or not the legislature should authorize the establishment of additional ((~~public~~)) charter public schools.

Sec. 126. RCW 28A.710.260 and 2014 c 221 s 911 are each reenacted to read as follows:

The charter schools oversight account is hereby created in the state treasury. All moneys received by the commission under RCW 28A.710.110 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of this chapter.

NEW SECTION. **Sec. 127.** A new section is added to chapter 28A.710 RCW to read as follows:

The state legislature shall, at each regular session in an odd-numbered year, appropriate from the Washington opportunity pathways account for the current use of charter public schools amounts as determined in accordance with section 128 of this act, and amounts authorized under RCW 28A.710.230(1), for state support to charter schools during the ensuing biennium.

NEW SECTION. **Sec. 128.** A new section is added to chapter 28A.710 RCW to read as follows:

(1) The legislature intends that state funding for charter schools be distributed equitably with state funding provided for other public schools.

(2) For eligible students enrolled in a charter school established and operating in accordance with this chapter, the superintendent of public instruction shall transmit to each charter school an amount calculated as provided in this section and based on the statewide average staff mix factor for certificated instructional staff, including any enrichment to those statutory formulae that is specified in the omnibus appropriations act. The amount must be the sum of (a) and (b) of this subsection, as applicable.

(a) The superintendent shall, for purposes of making distributions under this section, separately calculate and distribute to charter schools moneys appropriated for general apportionment under the same ratios as in RCW 28A.150.260.

(b) The superintendent also shall, for purposes of making distributions under this section, and in accordance with the applicable formulae for categorical programs specified in (b)(i) through (v) of this subsection (2) and any enrichment to those statutory formulae that is specified in the omnibus appropriations act, separately calculate and distribute moneys appropriated by the legislature to charter schools for:

(i) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(ii) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(iii) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020;

(iv) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030; and

(v) Pupil transportation services to and from school in accordance with RCW 28A.160.150 through 28A.160.180. Distributions for pupil transportation must be calculated on a per eligible student basis based on the allocation for the previous school year to the school district in which the charter school is located.

(3) The superintendent of public instruction must adopt rules necessary for the distribution of funding required by this section and to comply with federal reporting requirements.

NEW SECTION. **Sec. 129.** A new section is added to chapter 28A.710 RCW to read as follows:

(1) The eligibility of a charter school student to participate in interschool athletic activities or other interschool extracurricular activities governed by the Washington interscholastic activities association is subject to rules adopted by the Washington interscholastic activities association. The rules must provide that, unless approved by a nonresident school district or the Washington interscholastic activities association, a student attending a charter school may only participate in interschool athletic activities or other interschool extracurricular activities offered by the student's resident school district.

(2) A proposal by a charter school to regulate the conduct of interschool athletic activities or other interschool extracurricular activities governed by the Washington interscholastic activities association is subject to rules adopted by the Washington interscholastic activities association.

(3) The rules adopted by the Washington interscholastic activities association under this section must provide that it is the responsibility of the charter school to pay the full cost, minus any student participation fee, for any student who participates in interschool athletic activities or other interschool extracurricular activities governed by the Washington interscholastic activities association.

NEW SECTION. **Sec. 130.** A new section is added to chapter 28A.710 RCW to read as follows:

(1) Members of the commission must file personal financial affairs statements with the public disclosure commission.

(2) Members of a charter school board must file personal financial affairs statements with the public disclosure commission.

Sec. 131. RCW 28A.150.010 and 2013 c 2 s 301 are each reenacted and amended to read as follows:

Public schools means the common schools as referred to in Article IX of the state Constitution, ((~~including~~)) charter schools established under chapter 28A.710 RCW, and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense.

Sec. 132. RCW 28A.315.005 and 2013 c 2 s 302 are each reenacted and amended to read as follows:

(1) Under the constitutional framework and the laws of the state of Washington, the governance structure for the state's public common school system is comprised of the following bodies: The legislature, the governor, the superintendent of public instruction, the state board of education, ((~~the Washington charter school commission,~~)) the educational service district boards of directors, and local school district boards of directors. The respective policy and administrative roles of each body are determined by the state Constitution and statutes.

(2) Local school districts are political subdivisions of the state and the organization of such districts, including the powers, duties, and boundaries thereof, may be altered or abolished by laws of the state of Washington.

Sec. 133. RCW 41.32.033 and 2013 c 2 s 303 are each reenacted to read as follows:

This section designates charter schools established under chapter 28A.710 RCW as employers and charter school employees as members, and applies only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

Sec. 134. RCW 41.35.035 and 2013 c 2 s 304 are each reenacted to read as follows:

This section designates charter schools established under chapter 28A.710 RCW as employers and charter school employees as members, and applies only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

Sec. 135. RCW 41.40.025 and 2013 c 2 s 305 are each reenacted to read as follows:

This section designates charter schools established under chapter 28A.710 RCW as employers and charter school employees as members, and applies only

if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

Sec. 136. RCW 41.05.011 and 2015 c 116 s 2 are each reenacted to read as follows:

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

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

(2) "Board" means the public employees' benefits board established under RCW 41.05.055.

(3) "Dependent care assistance program" means a benefit plan whereby state and public employees may pay for certain employment related dependent care with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 129 or other sections of the internal revenue code.

(4) "Director" means the director of the authority.

(5) "Emergency service personnel killed in the line of duty" means law enforcement officers and firefighters as defined in RCW 41.26.030, members of the Washington state patrol retirement fund as defined in RCW 43.43.120, and reserve officers and firefighters as defined in RCW 41.24.010 who die as a result of injuries sustained in the course of employment as determined consistent with Title 51 RCW by the department of labor and industries.

(6) "Employee" includes all employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature. Pursuant to contractual agreement with the authority, "employee" may also include: (a) Employees of a county, municipality, or other political subdivision of the state and members of the legislative authority of any county, city, or town who are elected to office after February 20, 1970, if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205 and 41.05.021(1)(g); (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization; (c) employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350; (d) employees of a tribal government, if the governing body of the tribal government seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (f) and (g); (e) employees of the Washington health benefit exchange if the governing board of the exchange established in RCW 43.71.020 seeks and receives approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (g) and (n); and (f) employees of a charter

school established under chapter 28A.710 RCW. "Employee" does not include: Adult family home providers; unpaid volunteers; patients of state hospitals; inmates; employees of the Washington state convention and trade center as provided in RCW 41.05.110; students of institutions of higher education as determined by their institution; and any others not expressly defined as employees under this chapter or by the authority under this chapter.

(7) "Employer" means the state of Washington.

(8) "Employer group" means those counties, municipalities, political subdivisions, the Washington health benefit exchange, tribal governments, school districts, and educational service districts, and employee organizations representing state civil service employees, obtaining employee benefits through a contractual agreement with the authority.

(9) "Employing agency" means a division, department, or separate agency of state government, including an institution of higher education; a county, municipality, school district, educational service district, or other political subdivision; charter school; and a tribal government covered by this chapter.

(10) "Faculty" means an academic employee of an institution of higher education whose workload is not defined by work hours but whose appointment, workload, and duties directly serve the institution's academic mission, as determined under the authority of its enabling statutes, its governing body, and any applicable collective bargaining agreement.

(11) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(12) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(13) "Medical flexible spending arrangement" means a benefit plan whereby state and public employees may reduce their salary before taxes to pay for medical expenses not reimbursed by insurance as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(14) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the salary reduction plan.

(15) "Plan year" means the time period established by the authority.

(16) "Premium payment plan" means a benefit plan whereby state and public employees may pay their share of group health plan premiums with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(17) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district, educational service district, or charter school on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district, educational service district, or charter school due to a total and permanent

disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

(18) "Salary" means a state employee's monthly salary or wages.

(19) "Salary reduction plan" means a benefit plan whereby state and public employees may agree to a reduction of salary on a pretax basis to participate in the dependent care assistance program, medical flexible spending arrangement, or premium payment plan offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(20) "Seasonal employee" means an employee hired to work during a recurring, annual season with a duration of three months or more, and anticipated to return each season to perform similar work.

(21) "Separated employees" means persons who separate from employment with an employer as defined in:

(a) RCW 41.32.010(17) on or after July 1, 1996; or

(b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002;

and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(33), the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

(22) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(23) "Tribal government" means an Indian tribal government as defined in section 3(32) of the employee retirement income security act of 1974, as amended, or an agency or instrumentality of the tribal government, that has government offices principally located in this state.

Sec. 137. RCW 41.56.0251 and 2013 c 2 s 307 are each reenacted to read as follows:

In addition to the entities listed in RCW 41.56.020, this chapter applies to any charter school established under chapter 28A.710 RCW. Any bargaining unit or units established at the charter school must be limited to employees working in the charter school and must be separate from other bargaining units in school districts, educational service districts, or institutions of higher education. Any charter school established under chapter 28A.710 RCW is a separate employer from any school district, including the school district in which it is located.

Sec. 138. RCW 41.59.031 and 2013 c 2 s 308 are each reenacted to read as follows:

This chapter applies to any charter school established under chapter 28A.710 RCW. Any bargaining unit or units established at the charter school must be limited to employees working in the charter school and must be separate from other bargaining units in school districts, educational service districts, or institutions of higher education. Any charter school established under chapter

28A.710 RCW is a separate employer from any school district, including the school district in which it is located.

NEW SECTION. **Sec. 139.** RCW 28A.710.005 (Findings—2013 c 2) and 2013 c 2 s 101 are each repealed.

NEW SECTION. **Sec. 140.** (1) Sections 101 through 139 of this act are remedial and curative in nature and apply to the Washington state charter school commission, school district authorizers, and charter schools established before the effective date of this section.

(2) The Washington state charter school commission and school district authorizers, and actions related to their establishment and operation that were in compliance with the laws of the state of Washington before the effective date of this section, or that substantially complied with the provisions of this act before its effective date, are declared to be valid.

(3) Contracts entered into under or in accordance with chapter 2, Laws of 2013 that were in effect on December 1, 2015, may, with the agreement of all parties and within sixty days after the effective date of this section, be executed as new contracts with the same terms and duration or substantially the same terms and duration as were in effect on December 1, 2015. For purposes of this section, "substantially the same terms and duration" includes contract modifications necessary to comply with the provisions of chapter . . ., Laws of 2016 (this act) or other applicable law.

(4) Nothing in this section entitles a charter school to retroactive payments under chapter . . ., Laws of 2016 (this act) for services that were rendered after December 1, 2015, and before execution of new contracts pursuant to subsection (3) of this section.

PART II
WASHINGTON OPPORTUNITY PATHWAYS ACCOUNT

Sec. 201. RCW 28B.76.526 and 2010 1st sp.s. c 27 s 2 are each amended to read as follows:

The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for programs in chapter 28A.710 RCW (charter schools), chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (state need grant program), ((~~chapter 28B.101 RCW (educational opportunity grant),~~)) chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to college promise), chapter 28B.118 RCW (college bound scholarship), chapter 28B.119 RCW (Washington promise scholarship), and chapter 43.215 RCW (early childhood education and assistance program)((~~, and RCW 43.330.280 (recruitment of entrepreneurial researchers, innovation partnership zones and research teams)~~)).

PART III
MISCELLANEOUS PROVISIONS

NEW SECTION. **Sec. 301.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 302.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the Senate March 10, 2016.

Passed by the House March 9, 2016.

Filed in Office of Secretary of State April 4, 2016, without the Governor's signature.

WASHINGTON LAWS

2016 SPECIAL SESSION

CHAPTER 1

[Engrossed Substitute Senate Bill 5145]

HEALTH TECHNOLOGY CLINICAL COMMITTEE--MEMBERSHIP AND ROTATING CLINICAL EXPERTS

AN ACT Relating to the health technology clinical committee membership and rotating experts; and amending RCW 70.14.090.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 70.14.090 and 2006 c 307 s 2 are each amended to read as follows:

(1) A health technology clinical committee is established, to include the following eleven members appointed by the administrator in consultation with participating state agencies:

(a) Six practicing physicians licensed under chapter 18.57 or 18.71 RCW; and

(b) Five other practicing licensed health professionals who use health technology in their scope of practice.

(i) At least two members of the committee must have professional experience treating women, children, elderly persons, and people with diverse ethnic and racial backgrounds.

(ii) At least one member of the committee must be appointed from nominations submitted by the Washington state medical association or the Washington state osteopathic medical association.

(2) In addition, any rotating clinical expert selected to advise the committee on health technology must be a nonvoting member of the committee.

(3) Members of the committee:

(a) Shall not contract with or be employed by a health technology manufacturer or a participating agency during their term or for eighteen months before their appointment. As a condition of appointment, each person shall agree to the terms and conditions imposed by the administrator regarding conflicts of interest;

(b) Are immune from civil liability for any official acts performed in good faith as members of the committee; and

(c) Shall be compensated for participation in the work of the committee in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the committee.

(((~~(3)~~))) (4) Meetings of the committee and any advisory group are subject to chapter 42.30 RCW, the open public meetings act, including RCW 42.30.110(1)(l), which authorizes an executive session during a regular or special meeting to consider proprietary or confidential nonpublished information.

(((~~(4)~~))) (5) Neither the committee nor any advisory group is an agency for purposes of chapter 34.05 RCW.

(((~~(5)~~))) (6) The health care authority shall provide administrative support to the committee and any advisory group, and may adopt rules governing their operation.

Passed by the Senate January 27, 2016.

Passed by the House March 1, 2016.

Vetoed by the Governor March 10, 2016.

Filed in Office of Secretary of State March 30, 2016.

CHAPTER 2

[Senate Bill 5265]

PUBLIC DEPOSITORIES--RECIPROCAL OUT-OF-STATE DEPOSIT OF PUBLIC FUNDS

AN ACT Relating to allowing a public depository to arrange for reciprocal deposits of public funds; and amending RCW 39.58.080 and 39.58.085.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 39.58.080 and 2005 c 203 s 1 are each amended to read as follows:

(1) Except for funds deposited pursuant to a fiscal agency contract with the state fiscal agent or its correspondent bank, funds deposited pursuant to a custodial bank contract with the state's custodial bank, and funds deposited pursuant to a local government multistate joint self-insurance program as provided in RCW 48.62.081, no public funds shall be deposited in demand or investment deposits except in a public depositary located in this state or as otherwise expressly permitted by statute: PROVIDED, That the commission, or the chair upon delegation by the commission, upon good cause shown, may authorize, for such time and upon such terms and conditions as the commission or chair deem appropriate, a treasurer to maintain a demand deposit account with a banking institution located outside the state of Washington solely for the purpose of transmitting money received to public depositaries in the state of Washington for deposit.

(2) Notwithstanding subsection (1) of this section, the commission, or the chair upon delegation by the commission, upon good cause shown, may authorize, for that time and upon the terms and conditions as the commission or chair deems appropriate, a treasurer to maintain a demand deposit account with a banking institution located outside the state of Washington for deposit of certain higher education endowment funds, for a specified instructional program or research project being performed outside the state of Washington.

(3) Notwithstanding subsection (1) of this section, public funds may be deposited in institutions located outside of Washington state if the following conditions are met:

(a) The funds must initially be deposited in a public depositary selected by the state or local government that is located in the state of Washington;

(b) The selected Washington state public depositary must arrange for the funds to be deposited in one or more federally insured banks or savings and loan associations, including out-of-state institutions, for the account of the state or local government;

(c) The full amount of the principal and any accrued interest of each deposit of funds into a depositary pursuant to (b) of this subsection must be insured by an agency of the federal government;

(d) The public depositary selected under (a) of this subsection must act as a custodian for the state or local government with respect to any deposits made pursuant to (b) of this subsection; and

(e) On the same date that the state or local government funds are deposited, the selected public depositary must receive deposits from customers of other

financial institutions, which may include out-of-state institutions, in an amount equal to or greater than the amount of the funds initially deposited by the state or local government.

Sec. 2. RCW 39.58.085 and 2005 c 203 s 2 are each amended to read as follows:

(1)(a) The commission, or the chair upon delegation by the commission, may authorize state and local governmental entities to establish demand accounts in out-of-state and alien banks in an aggregate amount not to exceed one million dollars. No single governmental entity shall be authorized to hold more than fifty thousand dollars in one demand account.

(b) The governmental entities establishing such demand accounts shall be solely responsible for their proper and prudent management and shall bear total responsibility for any losses incurred by such accounts. Accounts established under the provisions of this section shall not be considered insured by the commission.

(c) The state auditor shall annually monitor compliance with this section and the financial status of such demand accounts.

(2) Subsection (1)(a) of this section does not apply to RCW 39.58.080 (2) and (3).

Passed by the Senate February 16, 2016.
Passed by the House March 2, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 3

[Senate Bill 5458]

HEALTH DISTRICTS--BANKING

AN ACT Relating to health district banking; and adding a new section to chapter 70.46 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 70.46 RCW to read as follows:

(1) A health district, with the consent of the county legislative authority, the county treasurer, the county auditor, and the health district board, may act as custodian of funds, may keep the record of the receipts and disbursements, and may draw and may honor and pay all warrants or checks, which shall be approved before issuance and payment as directed by the board.

(2) The county may not charge a health district that does not utilize the option in subsection (1) of this section for those services provided.

Passed by the Senate January 27, 2016.
Passed by the House March 2, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 4

[Senate Bill 5549]

PHARMACY ASSISTANTS--REGISTRATION AND DISCIPLINE

AN ACT Relating to the registration and disciplining of pharmacy assistants; and amending RCW 18.64A.030, 18.64A.050, and 18.64A.055.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 18.64A.030 and 2013 c 19 s 35 are each amended to read as follows:

The commission shall adopt, in accordance with chapter 34.05 RCW, rules governing the extent to which pharmacy ancillary personnel may perform services associated with the practice of pharmacy. These rules shall provide for the certification of pharmacy technicians and registration of pharmacy assistants by the department at a fee determined by the secretary under RCW 43.70.250:

(1) "Pharmacy technicians" may assist in performing, under the supervision and control of a licensed pharmacist, manipulative, nondiscretionary functions associated with the practice of pharmacy and other such duties and subject to such restrictions as the commission may by rule adopt.

(2) "Pharmacy assistants" may perform, under the supervision of a licensed pharmacist, duties including, but not limited to, typing of prescription labels, filing, refiling, bookkeeping, pricing, stocking, delivery, nonprofessional phone inquiries, and documentation of third-party reimbursements and other such duties and subject to such restrictions as the commission may by rule adopt.

Sec. 2. RCW 18.64A.050 and 2013 c 19 s 37 are each amended to read as follows:

In addition to the grounds under RCW 18.130.170 and 18.130.180, the commission may take disciplinary action against the certificate of any pharmacy technician or the registration of any pharmacy assistant upon proof that:

(1) His or her certificate or registration was procured through fraud, misrepresentation, or deceit;

(2) He or she has been found guilty of any offense in violation of the laws of this state relating to drugs, poisons, cosmetics, or drug sundries by any court of competent jurisdiction. Nothing herein shall be construed to affect or alter the provisions of RCW 9.96A.020;

(3) He or she has exhibited gross incompetency in the performance of his or her duties;

(4) He or she has willfully or repeatedly violated any of the rules and regulations of the commission or of the department;

(5) He or she has willfully or repeatedly performed duties beyond the scope of his or her certificate or registration in violation of the provisions of this chapter; or

(6) He or she has impersonated a licensed pharmacist.

Sec. 3. RCW 18.64A.055 and 1993 c 367 s 16 are each amended to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of certificates and registrations and the discipline of certificants and registrants under this chapter.

Passed by the Senate February 16, 2016.

Passed by the House March 2, 2016.

Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 5

[Substitute Senate Bill 5767]

LOCAL GOVERNMENT TREASURIES--ELECTRONIC PAYMENTS AND DUPLICATE WARRANTS

AN ACT Relating to local government treasury practices and procedures; and amending RCW 36.29.190 and 39.72.010.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 36.29.190 and 2003 c 23 s 8 are each amended to read as follows:

((~~County treasurers are authorized to accept credit cards, charge cards, debit cards, smart cards, stored value cards, federal wire, and automatic clearinghouse system transactions, or other electronic communication, for any payment of any kind including, but not limited to, taxes, fines, interest, penalties, special assessments, fees, rates, charges, or moneys due counties. A payer desiring to pay by a credit card, charge card, debit card, smart card, stored value card, federal wire, automatic clearinghouse system, or other electronic communication shall bear the cost of processing the transaction in an amount determined by the treasurer, unless the county legislative authority or the legislative authority of a district where the county treasurer serves as ex officio treasurer finds that it is in the best interests of the county or district to not charge transaction processing costs for all payment transactions made for a specific category of nontax payments received by the county treasurer, including, but not limited to, fines, interest not associated with taxes, penalties not associated with taxes, special assessments, fees, rates, and charges. The treasurer's cost determination shall be based upon costs incurred by the treasurer and may not, in any event, exceed the additional direct costs incurred by the county to accept the specific form of payment utilized by the payer.~~))

(1) County treasurers are authorized to accept electronic payments for payment of any kind including, but not limited to, payment for taxes, fines, interest, penalties, special assessments, fees, rates, charges, or moneys due counties.

(a) The county treasurer must determine the amount of the transaction processing cost for electronic payments. The county treasurer's determination must be based upon costs incurred by the treasurer and may not, in any event, exceed the additional direct costs incurred by the county to accept the specific form of payment utilized by the payer.

(b) A payer using electronic payment must pay the transaction processing cost, except as otherwise provided in this section.

(2) For payments for taxes, interest associated with taxes, and penalties associated with taxes that are made by automatic clearinghouse system, federal wire, or other electronic communication, any fee associated with the transaction may be absorbed within the county treasurer's banking services budget.

(3) A county treasurer may elect to not charge transaction processing costs for all payments made for a specific category of nontax payments if the county

legislative authority, or the legislative authority of a district where the county treasurer serves as ex officio treasurer, finds that not charging such transaction processing costs is in the best interests of the county or district. Interest and penalties associated with such transaction processing costs may be absorbed by the county department or taxing district assessing the payment transactions.

(4) For purposes of this section, the following definitions apply:

(a) "Electronic payment" means a payment made using the following: Credit cards, charge cards, debit cards, smart cards, stored value cards, federal wire, automatic clearinghouse system transactions, or other electronic communication;

(b) "Nontax payments" means payments received by the county treasurer that include payments for fines, interest not associated with taxes, penalties not associated with taxes, special assessments, fees, rates, charges, or moneys due counties; and

(c) "Transaction processing cost" means the cost of processing an electronic payment as determined by the county treasurer. This cost is based on costs incurred by the county treasurer and may not exceed the additional direct costs incurred by the county to accept a specific form of electronic payment utilized by the payer.

Sec. 2. RCW 39.72.010 and 1975-'76 2nd ex.s. c 77 s 1 are each amended to read as follows:

(1) In case of the loss or destruction of a warrant for the payment of money, or any bond or other instrument or evidence of indebtedness, issued by ((~~any county, city or town, district or other political subdivision or municipal corporation of the state of Washington, hereinafter referred to as a municipal corporation, or by any department or agency of such municipal corporation, such municipal corporation may cause a duplicate to be issued in lieu thereof, subject to the same requirements and conditions, and according to the same procedure, as prescribed for the issuance of duplicate state instruments in RCW 43.08.064 and 43.08.066 as now or hereafter amended: PROVIDED, That the requirements of RCW 43.08.066(2) shall not be applicable to instruments received by employees of the above issuers for the payment of salary or wages or as other compensation for work performed nor shall those requirements be applicable to instruments received by former employees or their beneficiaries for the payment of pension benefits~~)) a municipality, the municipality may issue or cause to be issued a duplicate in lieu thereof, bearing the same designation and for the same amount as the original. The duplicate instrument is subject in all other respects to the same provisions of law as the original instrument.

(a) Before a duplicate instrument is issued in accordance with this section, the issuing officer shall require the person making application for issuance of the duplicate to file a written affidavit specifically alleging on oath:

(i) That the applicant is the proper owner, payee, or legal representative of the owner or payee of the original instrument;

(ii) The date of issue, number, amount, and for what services, claim, or purpose the original instrument or series of instruments of which it is a part was issued;

(iii) That the original instrument has been lost or destroyed; and

(iv) That the original instrument has not been paid or has not been received by the applicant.

(b) In the event that an original instrument and its duplicate instrument are both presented for payment as a result of forgery or fraud, the agency, department, or officer that issues a duplicate under this section is responsible for endeavoring to recover any losses suffered by the municipality.

(2) For purposes of this section, "municipality" means any county, city, town, district, or other political subdivision or municipal corporation of the state of Washington, or an agency, department, or officer of the municipality.

Passed by the Senate February 11, 2016.
Passed by the House March 2, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 6

[Senate Bill 6148]

SELF-SERVICE STORAGE FACILITIES--HANDLING OF VEHICLES, WATERCRAFT, TRAILERS, RECREATIONAL VEHICLES, AND CAMPERS

AN ACT Relating to the handling of certain personal property in a self-service storage facility; and amending RCW 19.150.060 and 19.150.160.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 19.150.060 and 2015 c 13 s 3 are each amended to read as follows:

(1) If a notice has been sent, as required by RCW 19.150.040, and the total sum due has not been paid as of the date specified in the preliminary lien notice, the lien proposed by this notice attaches as of that date and the owner may deny an occupant access to the space, enter the space, inventory the goods therein, and remove any property found therein to a place of safe keeping. The owner must provide the occupant a notice of final lien sale or final notice of disposition by personal service, verified mail, or ((~~electronic mail [email]~~)) email to the occupant's last known address and alternative address or ((~~electronic mail [email]~~)) email address. If the owner sends notice required under this section to the occupant's last known ((~~electronic mail [email]~~)) email address and does not receive a reply or receipt of delivery, the owner must send a second notice to the occupant's last known postal address by verified mail. The notice required under this section must state all of the following:

(a) That the occupant's right to use the storage space has terminated and that the occupant no longer has access to the stored property.

(b) That the stored property is subject to a lien, and the amount of the lien accrued and to accrue prior to the date required to be specified in (c) of this subsection.

(c) That all the property, other than personal papers and personal photographs, may be sold to satisfy the lien after a specified date which is not less than fourteen days from the last date of sending of the final lien sale notice, or a minimum of forty-two days after the date when any part of the rent or other charges due from the occupants remain unpaid, whichever is later, unless the amount of the lien is paid. The owner is not required to sell the personal property within a maximum number of days of when the rent or other charges first became due. If the total value of property in the storage space is less than three

hundred dollars, the owner may, instead of sale, dispose of the property in any reasonable manner, subject to the restrictions of RCW 19.150.080(4). After the sale or other disposition pursuant to this section has been completed, the owner shall provide an accounting of the disposition of the proceeds of the sale or other disposition to the occupant at the occupant's last known address and at the alternative address.

(d) That any stored ((~~motor~~)) vehicles ((~~or boats~~)), watercraft, trailers, recreational vehicles, or campers may be towed or removed from the self-service storage facility in lieu of sale pursuant to RCW 19.150.160.

(e) That any excess proceeds of the sale or other disposition under RCW 19.150.080(2) over the lien amount and reasonable costs of sale will be retained by the owner and may be reclaimed by the occupant, or claimed by another person, at any time for a period of six months from the sale and that thereafter the proceeds will be turned over to the state as abandoned property as provided in RCW 63.29.165.

(f) That any personal papers and personal photographs will be retained by the owner and may be reclaimed by the occupant at any time for a period of six months from the sale or other disposition of property and that thereafter the owner may dispose of the personal papers and photographs in a reasonable manner, subject to the restrictions of RCW 19.150.080(3).

(g) That the occupant has no right to repurchase any property sold at the lien sale.

(2) The owner may not send by ((~~electronic mail [email]~~)) email the notice required under this section to the occupant's last known address or alternative address unless:

(a) The occupant expressly agrees to notice by ((~~electronic mail [email]~~)) email;

(b) The rental agreement executed by the occupant specifies in bold type that notices will be given to the occupant by ((~~electronic mail [email]~~)) email;

(c) The owner provides the occupant with the ((~~electronic mail [email]~~)) email address from which notices will be sent and directs the occupant to modify his or her email settings to allow ((~~electronic mail [email]~~)) email from that address to avoid any filtration systems; and

(d) The owner notifies the occupant of any change in the ((~~electronic mail [email]~~)) email address from which notices will be sent prior to the address change.

Sec. 2. RCW 19.150.160 and 2015 c 13 s 4 are each amended to read as follows:

(1) If an occupant is in default for sixty or more days and the personal property stored in the leased space is a ((~~motor~~)) vehicle ((~~or boat~~)), watercraft, trailer, recreational vehicle, or camper, the owner may have the personal property towed or removed from the self-service storage facility in lieu of a sale. Prior to having the vehicle, watercraft, trailer, recreational vehicle, or camper towed, the owner must provide notice to the occupant stating the name, address, and contact information of the towing company.

(2) The owner is not liable for any damage to the personal property towed or removed from the self-service storage facility once the property is in the possession of a third party.

Passed by the Senate February 12, 2016.
Passed by the House March 1, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 7

[Senate Bill 6162]

INVASIVE SPECIES COUNCIL AND ACCOUNT--EXPIRATION

AN ACT Relating to the expiration date of the invasive species council and account; and amending RCW 79A.25.310 and 79A.25.370.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 79A.25.310 and 2011 c 154 s 2 are each amended to read as follows:

(1) There is created the Washington invasive species council to exist until June 30, ((~~2017~~)) 2022. Staff support to the council shall be provided by the recreation and conservation office and from the agencies represented on the council. For administrative purposes, the council shall be located within the office.

(2) The purpose of the council is to provide policy level direction, planning, and coordination for combating harmful invasive species throughout the state and preventing the introduction of others that may be potentially harmful.

(3) The council is a joint effort between local, tribal, state, and federal governments, as well as the private sector and nongovernmental interests. The purpose of the council is to foster cooperation, communication, and coordinated approaches that support local, state, and regional initiatives for the prevention and control of invasive species.

(4) For the purposes of this chapter, "invasive species" include nonnative organisms that cause economic or environmental harm and are capable of spreading to new areas of the state. "Invasive species" does not include domestic livestock, intentionally planted agronomic crops, or nonharmful exotic organisms.

Sec. 2. RCW 79A.25.370 and 2011 c 154 s 3 are each amended to read as follows:

(1) The invasive species council account is created in the custody of the state treasurer. All receipts from appropriations, gifts, grants, and donations must be deposited into the account. Expenditures from the account may be used only to carry out the purposes of the council. The account is subject to allotment procedures under chapter 43.88 RCW and the approval of the director of the recreation and conservation office is required for expenditures. All expenditures must be directed by the council.

(2) This section expires June 30, ((~~2017~~)) 2022.

Passed by the Senate February 11, 2016.
Passed by the House March 1, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 8

[Senate Bill 6170]

CITY RETIREMENT BOARDS--FINANCIAL AND COMMERCIAL INFORMATION--DISCLOSURE

AN ACT Relating to an exemption from disclosure of certain financial, commercial, and proprietary information submitted to or obtained by a city retirement board on behalf of its employees' retirement system; and amending RCW 42.56.270.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 42.56.270 and 2015 c 274 s 24 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

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

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

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

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

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

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

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

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

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

(24) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure.

Passed by the Senate February 17, 2016.

Passed by the House March 1, 2016.

Vetoed by the Governor March 10, 2016.

Filed in Office of Secretary of State March 30, 2016.

CHAPTER 9

[Substitute Senate Bill 6177]

MARIJUANA RESEARCH LICENSE--APPLICATIONS

AN ACT Relating to the marijuana research license; and amending RCW 69.50.372, 43.350.030, and 42.56.270.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 69.50.372 and 2015 2nd sp.s. c 4 s 1501 are each amended to read as follows:

(1) ((~~There shall be~~)) A marijuana research license is established that permits a licensee to produce, process, and possess marijuana for the following limited research purposes:

(a) To test chemical potency and composition levels;

(b) To conduct clinical investigations of marijuana-derived drug products;

(c) To conduct research on the efficacy and safety of administering marijuana as part of medical treatment; and

(d) To conduct genomic or agricultural research.

(2) As part of the application process for a marijuana research license, an applicant must submit to the ((~~life sciences discovery fund authority~~)) liquor and cannabis board's designated scientific reviewer a description of the research that is intended to be conducted. The ((~~life sciences discovery fund authority must~~)) liquor and cannabis board must select a scientific reviewer to review ((~~the~~)) an applicant's research project and determine that it meets the requirements of subsection (1) of this section, as well as assess the following:

(a) Project quality, study design, value, or impact;

(b) Whether applicants have the appropriate personnel, expertise, facilities/infrastructure, funding, and human/animal/other federal approvals in place to successfully conduct the project; and

(c) Whether the amount of marijuana to be grown by the applicant is consistent with the project's scope and goals.

If the ((~~life sciences discovery fund authority~~)) scientific reviewer determines that the research project does not meet the requirements of subsection (1) of this section, the application must be denied.

(3) A marijuana research licensee may only sell marijuana grown or within its operation to other marijuana research licensees. The ((~~state~~)) liquor and cannabis board may revoke a marijuana research license for violations of this subsection.

(4) A marijuana research licensee may contract with the University of Washington or Washington State University to perform research in conjunction with the university. All research projects, not including those projects conducted pursuant to a contract entered into under RCW 28B.20.502(3), must be approved by the ((~~life sciences discovery fund authority~~)) scientific reviewer and meet the requirements of subsection (1) of this section.

(5) In establishing a marijuana research license, the ((~~state~~)) liquor and cannabis board may adopt rules on the following:

(a) Application requirements;

(b) Marijuana research license renewal requirements, including whether additional research projects may be added or considered;

(c) Conditions for license revocation;

(d) Security measures to ensure marijuana is not diverted to purposes other than research;

(e) Amount of plants, useable marijuana, marijuana concentrates, or marijuana-infused products a licensee may have on its premises;

(f) Licensee reporting requirements;

(g) Conditions under which marijuana grown by marijuana processors may be donated to marijuana research licensees; and

(h) Additional requirements deemed necessary by the ((~~state~~)) liquor and cannabis board.

(6) The production, processing, possession, delivery, donation, and sale of marijuana in accordance with this section and the rules adopted to implement and enforce it, by a validly licensed marijuana researcher, shall not be a criminal or civil offense under Washington state law. Every marijuana research license must be issued in the name of the applicant, must specify the location at which the marijuana researcher intends to operate, which must be within the state of Washington, and the holder thereof may not allow any other person to use the license.

(7) The application fee for a marijuana research license is two hundred fifty dollars. The annual fee for issuance and renewal of a marijuana research license is one thousand dollars. ((~~Fifty percent of the application fee, the issuance fee, and the renewal fee must be deposited to the life sciences discovery fund under RCW 43.350.070, or, if that fund ceases to exist, to the general fund.~~)) The applicant must pay the cost of the review process directly to the scientific reviewer as designated by the liquor and cannabis board.

(8) The scientific reviewer shall review any reports made by marijuana research licensees under liquor and cannabis board rule and provide the liquor and cannabis board with its determination on whether the research project continues to meet research qualifications under this section.

(9) For the purposes of this section, "scientific reviewer" means an organization that convenes or contracts with persons who have the training and experience in research practice and research methodology to determine whether a project meets the criteria for a marijuana research license under this section and to review any reports submitted by marijuana research licensees under liquor and cannabis board rule. "Scientific reviewers" include, but are not limited to, educational institutions, research institutions, peer review bodies, or such other organizations that are focused on science or research in its day-to-day activities.

Sec. 2. RCW 43.350.030 and 2015 2nd sp.s. c 4 s 1503 are each amended to read as follows:

In addition to other powers and duties prescribed in this chapter, the authority is empowered to:

(1) Use public moneys in the life sciences discovery fund, leveraging those moneys with amounts received from other public and private sources in accordance with contribution agreements, to promote life sciences research;

(2) Solicit and receive gifts, grants, and bequests, and enter into contribution agreements with private entities and public entities other than the state to receive moneys in consideration of the authority's promise to leverage those moneys with amounts received through appropriations from the legislature and contributions from other public entities and private entities, in order to use those moneys to promote life sciences research. Nonstate moneys received by the

authority for this purpose shall be deposited in the life sciences discovery fund created in RCW 43.350.070;

(3) Hold funds received by the authority in trust for their use pursuant to this chapter to promote life sciences research;

(4) Manage its funds, obligations, and investments as necessary and as consistent with its purpose including the segregation of revenues into separate funds and accounts;

(5) Make grants to entities pursuant to contract for the promotion of life sciences research to be conducted in the state. Grant agreements must specify deliverables to be provided by the recipient pursuant to the grant. The authority shall solicit requests for funding and evaluate the requests by reference to factors such as: (a) The quality of the proposed research; (b) its potential to improve health outcomes, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular disease or condition; (c) its potential for leveraging additional funding; (d) its potential to provide health care benefits or benefit human learning and development; (e) its potential to stimulate the health care delivery, biomedical manufacturing, and life sciences related employment in the state; (f) the geographic diversity of the grantees within Washington; (g) evidence of potential royalty income and contractual means to recapture such income for purposes of this chapter; and (h) evidence of public and private collaboration;

(6) Create one or more advisory boards composed of scientists, industrialists, and others familiar with life sciences research; and

(7) ((~~Review and approve or disapprove marijuana research license applications under RCW 69.50.372;~~

~~(8) Review any reports made by marijuana research licensees under state liquor and cannabis board rule and provide the state liquor and cannabis board with its determination on whether the research project continues to meet research qualifications under RCW 69.50.372(1); and~~

~~(9)~~)) Adopt policies and procedures to facilitate the orderly process of grant application, review, and reward.

Sec. 3. RCW 42.56.270 and 2015 c 274 s 24 are each amended to read as follows:

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

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

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

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

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services

provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

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

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

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

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

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

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

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

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

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the

department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565; and

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

Passed by the Senate February 5, 2016.
Passed by the House March 1, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 10

[Senate Bill 6196]

ENERGY FACILITY SITE EVALUATION COUNCIL--DEPOSITS AND COST REIMBURSEMENT

AN ACT Relating to administrative processes for the utilities and transportation commission in managing deposits and cost reimbursements of the energy facility site evaluation council; amending RCW 80.50.071; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 80.50.071 and 2011 c 261 s 1 are each amended to read as follows:

(1) The council shall receive all applications for energy facility site certification. Each applicant shall pay ((~~such reasonable~~)) actual costs ((~~as are actually and necessarily~~)) incurred by the council and the utilities and transportation commission in processing an application.

(a) Each applicant shall, at the time of application submission, deposit with the utilities and transportation commission an amount up to fifty thousand dollars, or such greater amount as ((~~may be~~)) specified by the council after consultation with the applicant. ((~~Costs that may be charged against the deposit include, but are not limited to, independent consultants' costs, councilmember's wages, employee benefits, costs of a hearing examiner, costs of a court reporter, staff salaries, wages and employee benefits, goods and services, travel expenses, and miscellaneous direct expenses as arise directly from processing an application.~~)) The council and the utilities and transportation commission shall charge costs against the deposit if the applicant withdraws its application and has not reimbursed the commission, on behalf of the council, for all actual expenditures incurred in considering the application.

(b) The council may commission its own independent consultant study to measure the consequences of the proposed energy facility on the environment or any matter that it deems essential to an adequate appraisal of the site. The council, after consultation with the utilities and transportation commission, shall provide an estimate of the cost of the study to the applicant and consider applicant comments.

(c) In addition to the deposit required under (a) of this subsection, applicants must reimburse the utilities and transportation commission, on behalf of the council, for actual expenditures that arise in considering the application,

including the cost of any independent consultant study. The utilities and transportation commission, on behalf of the council, shall submit to each applicant ((~~a statement~~)) an invoice of ((~~such~~)) actual expenditures made during the preceding calendar quarter ((~~which shall be~~)) in sufficient detail to explain ((~~such~~)) the expenditures. The applicant shall pay the ((~~state treasurer~~)) utilities and transportation commission the amount of ((~~such statement to restore the total amount on deposit to the originally established level: PROVIDED, That such applicant may, at the request of the council, increase the amount of funds on deposit to cover anticipated expenses during peak periods of application processing. Any funds remaining unexpended at the conclusion of application processing shall be refunded to the applicant, or at the applicant's option, credited against required deposits of certificate holders~~)) the invoice by the due date.

(2) Each certificate holder shall pay ((~~such reasonable costs as are actually and necessarily~~)) to the utilities and transportation commission the actual costs incurred by the council for inspection and determination of compliance by the certificate holder with the terms of the certification relative to monitoring the effects of construction, operation, and site restoration of the facility.

(a) Each certificate holder shall, within thirty days of execution of the site certification agreement, ((~~shall have on~~)) deposit with the utilities and transportation commission an amount up to fifty thousand dollars, or such greater amount as ((~~may be~~)) specified by the council after consultation with the certificate holder. ((~~Costs that may be charged against the deposit include, but are not limited to, those specified in subsection (1)(a) of this section as arise from inspection and determination of compliance by the certificate holder with the terms of the certification.~~)) The council and the utilities and transportation commission shall charge costs against the deposit if the certificate holder ceases operations and has not reimbursed the commission, on behalf of the council, for all actual expenditures incurred in conducting inspections and determining compliance with the terms of the certification.

(b) In addition to the deposit required under (a) of this subsection, certificate holders must reimburse the utilities and transportation commission, on behalf of the council, for actual expenditures that arise in administering this chapter and determining compliance. The council, after consultation with the utilities and transportation commission, shall submit to each certificate holder ((~~a statement~~)) an invoice of ((~~such~~)) the expenditures actually made during the preceding calendar quarter ((~~which shall be~~)) in sufficient detail to explain ((~~such~~)) the expenditures. The certificate holder shall pay the ((~~state treasurer~~)) utilities and transportation commission the amount of ((~~such statement to restore the total amount on deposit to the originally established level: PROVIDED, That if the actual expenditures for inspection and determination of compliance in the preceding calendar quarter have exceeded the amount of funds on deposit, such excess costs shall be paid by the certificate holder~~)) the invoice by the due date.

(3) If an applicant or certificate holder fails to provide the initial deposit, or if subsequently required payments are not received within thirty days following receipt of the ((~~statement~~)) invoice from the council, the council may (a) in the case of the applicant, suspend processing of the application until payment is received; or (b) in the case of a certificate holder, suspend the certification.

(4) All payments required of the applicant or certificate holder under this section are to be made to the ((~~state treasurer~~)) utilities and transportation commission who shall make payments as instructed by the council from the funds submitted. All such funds shall be subject to state auditing procedures. Any unexpended portions ((~~thereof~~)) of the deposit shall be returned to the applicant ((~~or certificate holder~~)) within sixty days following the conclusion of the application process or to the certificate holder within sixty days after a determination by the council that the certificate is no longer required and there is no continuing need for compliance with its terms. For purposes of this section, "conclusion of the application process" means after the governor's decision granting or denying a certificate and the expiration of any opportunities for judicial review.

(5)(a) Upon receipt of an application for an energy facility site certification proposing an energy plant or alternative energy resource that is connected to electrical transmission facilities of a nominal voltage of at least one hundred fifteen thousand volts, the council shall notify in writing the United States department of defense. The notification shall include, but not be limited to, the following:

(i) A description of the proposed energy plant or alternative energy resource;

(ii) The location of the site;

(iii) The placement of the energy plant or alternative energy resource on the site;

(iv) The date and time by which comments must be received by the council; and

(v) Contact information of the council and the applicant.

(b) The purpose of the written notification is to provide an opportunity for the United States department of defense to comment upon the application, and to identify potential issues relating to the placement and operations of the energy plant or alternative energy resource, before a site certification application is approved. The time period set forth by the council for receipt of such comments shall not extend the time period for the council's processing of the application.

(c) In order to assist local governments required to notify the United States department of defense under RCW 35.63.270, 35A.63.290, and 36.01.320, the council shall post on its web site the appropriate information for contacting the United States department of defense.

NEW SECTION. **Sec. 2.** Nothing in this act extends or modifies the jurisdiction of the energy facility site evaluation council or the utilities and transportation commission with respect to any energy facility that is not subject to the jurisdiction of the energy facility site evaluation council or the utility and transportation commission as of the effective date of this section.

Passed by the Senate February 16, 2016.

Passed by the House March 1, 2016.

Vetoed by the Governor March 10, 2016.

Filed in Office of Secretary of State March 30, 2016.

CHAPTER 11

[Engrossed Substitute Senate Bill 6206]

INDUSTRIAL HEMP GROWING--PILOT PROGRAM AND RESEARCH

AN ACT Relating to authorizing the growing of industrial hemp; adding a new chapter to Title 15 RCW; creating a new section; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature intends to authorize the growing of industrial hemp as a legal, agricultural activity in this state as part of an agricultural pilot program in conformance with the agricultural act of 2014, 128 Stat. 912 § 7606, P.L. 113-79 (Feb. 7, 2014).

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

(1) "Department" means the Washington state department of agriculture.

(2) "Grower" means any person licensed to grow industrial hemp under this chapter.

(3) "Industrial hemp" means all parts and varieties of the genera Cannabis, cultivated or possessed by a grower, whether growing or not, that contain a THC concentration of 0.3 percent or less by dry weight. Industrial hemp does not include plants of the genera Cannabis that meet the definition of "marijuana" as defined in RCW 69.50.101.

(4) "Industrial hemp research program" means an agricultural pilot program to study the growth, cultivation, or marketing of industrial hemp supervised by the department.

(5) "Person" means any natural person, firm, partnership, association, private or public corporation, government entity, or other business entity.

(6) "THC concentration" means the percent of total tetrahydrocannabinol, which is the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the genera Cannabis.

NEW SECTION. **Sec. 3.** Except as otherwise provided in this chapter, industrial hemp is an agricultural product that may be grown, produced, possessed, processed, and exchanged in the state solely and exclusively as part of an industrial hemp research program supervised by the department. Processing any part of industrial hemp, except seed, as food, extract, oil, cake, concentrate, resin, or other preparation for topical use, oral consumption, or inhalation by humans is prohibited.

NEW SECTION. **Sec. 4.** (1) The department shall adopt rules pursuant to this chapter and chapter 34.05 RCW as necessary to license persons to grow hemp under an industrial hemp research program. The rules must include, but are not limited to:

(a) Fee amounts for license application, issuance, and renewal;

(b) Testing criteria and protocols for testing compliance with THC levels; and

(c) Grower qualifications. Grower qualifications include, at a minimum, that a person with a prior felony drug conviction within ten years of applying for a license not be eligible for the license. The department shall adopt by rule the persons in associations, corporations, and other business entities to be qualified under this felony drug conviction limitation.

(2) The department may adopt rules for administration of an industrial hemp research program, including the goals of the program.

(3) The department may adopt rules for administration of an industrial hemp seed certification program pursuant to chapter 15.49 RCW.

(4) All requirements in this section are subject to the availability of amounts appropriated for the specific purposes described.

NEW SECTION. **Sec. 5.** (1) The department shall establish an industrial hemp research program in which persons grow or cultivate industrial hemp for researching the feasibility and desirability of industrial hemp production in Washington. The department shall supervise the program through licensure and seed certification, but may not fund growing operations. The department may enter into interagency agreements with other public entities in connection with the program.

(2) The department shall establish a licensure program to allow persons to grow industrial hemp in the state as part of the industrial hemp research program.

(3) The department shall establish an industrial hemp seed certification program in support of the industrial hemp research program. The department's authority to implement this program incorporates the department's authority related to seed certification, inspection, fee setting, and enforcement under chapter 15.49 RCW.

(4) The programs under this chapter are subject to a grant of necessary permissions, waivers, or other form of valid legal status by the United States drug enforcement administration or other appropriate federal agency pursuant to applicable federal laws relating to industrial hemp.

(5) All requirements in this section are subject to the availability of amounts appropriated for the specific purposes described.

NEW SECTION. **Sec. 6.** (1) Any person seeking to grow industrial hemp as part of the industrial hemp research program shall apply to the department on a form provided by the department. At a minimum, the application form must include:

(a) The name and mailing address of the applicant, including the business address of any corporate applicant and the applicant's registered agent and the agent's address;

(b) The legal description and global positioning coordinates sufficient to locate the proposed industrial hemp production fields;

(c) A signed declaration indicating whether the applicant has ever been convicted of a felony or misdemeanor;

(d) Written consent allowing the department, if a license is ultimately issued to the applicant, to enter onto the industrial hemp production fields to conduct physical inspections of industrial hemp planted and grown by the applicant, and to ensure compliance with the requirements of this chapter;

(e) Any other information required by the department; and

(f) The payment of a nonrefundable application fee, in an amount set by the department.

(2) The department may approve licenses only for those selected growers whose demonstration plots will advance the goals of the department's industrial hemp research program. The location, and the total number and acreage, of all

demonstration plots to be grown by license holders must be determined at the discretion of the department.

(3) The department may use failure to comply with the law and with the conditions of the license issued by the department as grounds for revocation, suspension, or denial of future applications.

(4) Each license is valid for a period of one year from the date of issuance and may be renewed in successive years. Each annual renewal requires the payment of a license renewal fee.

(5) All moneys collected under this chapter must be deposited in an account within the agricultural local fund and used solely for carrying out this chapter. No appropriation is required for disbursement of moneys from the account by the director.

(6) A record of each license issued by the department under this section must be immediately forwarded to the sheriff of each county where the industrial hemp is licensed to be planted, grown, and/or harvested.

(7) All records, data, and information filed in support of a license application are exempt from disclosure under chapter 42.56 RCW, the public records act.

(8) All requirements in this section are subject to the availability of amounts appropriated for the specific purposes described.

NEW SECTION. **Sec. 7.** (1) Subject to receiving federal or private funds for this purpose, Washington State University shall study the feasibility and desirability of industrial hemp production in Washington. In conducting the study, Washington State University shall gather information from agricultural and scientific literature, consult with experts and the public, and review the best practices of other states and countries worldwide regarding the development of markets for industrial hemp. The study must include an analysis of:

(a) The market economic conditions affecting the development of an industrial hemp industry in the state;

(b) The estimated value-added benefit that Washington's economy would reap from having a developed industrial hemp industry in the state;

(c) Whether Washington soils and growing conditions are appropriate for use of industrial hemp in the rotation of other crops and whether soils and growing conditions are appropriate for farming industrial hemp at economically viable levels;

(d) Whether growing industrial hemp will introduce or serve as a vector for plant disease affecting related species, such as hops;

(e) The agronomy research being conducted worldwide relating to industrial hemp varieties, production, and use; and

(f) Other legislative acts, experiences, and outcomes around the world regarding industrial hemp production.

(2)(a) Washington State University shall report its findings to the legislature by January 14, 2017.

(b) The report must include recommendations for any legislative actions necessary to encourage and support the development of an industrial hemp industry in the state of Washington.

(3) This section expires August 1, 2017.

NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act constitute a new chapter in Title 15 RCW.

Passed by the Senate February 11, 2016.
Passed by the House March 1, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 12

[Senate Bill 6220]

ECONOMIC DEVELOPMENT--FEDERAL FUNDING OPPORTUNITIES--COORDINATION AND TRACKING

AN ACT Relating to promoting economic development by maximizing the use of federal economic development funding opportunities; and amending RCW 43.330.040 and 43.330.050.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.330.040 and 1993 c 280 s 6 are each amended to read as follows:

(1) The director shall supervise and administer the activities of the department and shall advise the governor and the legislature with respect to community and economic development matters affecting the state.

(2) In addition to other powers and duties granted to the director, the director shall have the following powers and duties:

(a) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

(b) Act for the state in the initiation of or participation in any multigovernmental program relative to the purpose of this chapter;

(c) Accept and expend gifts and grants, whether such grants be of federal or other funds;

(d) Appoint such deputy directors, assistant directors, and up to seven special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;

(e) Prepare and submit budgets for the department for executive and legislative action;

(f) Submit recommendations for legislative actions as are deemed necessary to further the purposes of this chapter;

(g) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter;

(h) Delegate powers, duties, and functions as the director deems necessary for efficient administration, but the director shall be responsible for the official acts of the officers and employees of the department; and

(i) Perform other duties as are necessary and consistent with law.

(3) When federal or other funds are received by the department, they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director. The department must track the amount of federal economic development funding received and disbursed along with any required state, local, or other matching requirements and annually provide the information to the economic development committees of the house of representatives and the senate.

(4) The director may request information and assistance from all other agencies, departments, and officials of the state, and may reimburse such agencies, departments, or officials if such a request imposes any additional expenses upon any such agency, department, or official.

(5) The director shall, in carrying out the responsibilities of office, consult with governmental officials, private groups, and individuals and with officials of other states. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the department, including the submission of requested information, to allow the department to carry out its purposes under this chapter.

(6) The director may establish additional advisory or coordinating groups with the legislature, within state government, with state and other governmental units, with the private sector and nonprofit entities or in specialized subject areas as may be necessary to carry out the purposes of this chapter.

(7) The internal affairs of the department shall be under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

Sec. 2. RCW 43.330.050 and 2014 c 112 s 110 are each amended to read as follows:

The department shall be responsible for promoting community and economic development within the state by assisting the state's communities to increase the quality of life of their citizens and their economic vitality, and by assisting the state's businesses to maintain and increase their economic competitiveness, while maintaining a healthy environment. Community and economic development efforts shall include: Efforts to increase economic opportunity; local planning to manage growth; the promotion and provision of affordable housing and housing-related services; providing public infrastructure; business and trade development; assisting firms and industrial sectors to increase their competitiveness; fostering the development of minority and women-owned businesses; facilitating technology development, transfer, and diffusion; community services and advocacy for low-income persons; and public safety efforts. The department shall have the following general functions and responsibilities:

(1) Provide advisory assistance to the governor, other state agencies, and the legislature on community and economic development matters and issues;

(2) Assist the governor in coordinating the activities of state agencies that have an impact on local government and communities;

(3) Cooperate with the legislature and the governor in the development and implementation of strategic plans for the state's community and economic development efforts;

(4) Solicit private and federal grants for economic and community development programs and administer such programs in conjunction with other programs assigned to the department by the governor or the legislature. To

maximize the impact of federal funding for economic development, the department must coordinate with federal and state public research facilities to leverage other federal funding coming to the state for research, development, innovation of new technologies, and transfer of technology to the private sector to promote business development and jobs in Washington;

(5) Cooperate with and provide technical and financial assistance to local governments, businesses, and community-based organizations serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state, and, unless stipulated otherwise, give additional consideration to local communities and individuals with the greatest relative need and the fewest resources;

(6) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states and provinces or their subdivisions;

(7) Hold public hearings and meetings to carry out the purposes of this chapter;

(8) Conduct research and analysis in furtherance of the state's economic and community development efforts including maintenance of current information on market, demographic, and economic trends as they affect different industrial sectors, geographic regions, and communities with special economic and social problems in the state; and

(9) Develop a schedule of fees for services where appropriate.

Passed by the Senate February 11, 2016.
Passed by the House March 2, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 13

[Substitute Senate Bill 6281]

ATHLETE AGENTS--REVISED UNIFORM ACT

AN ACT Relating to athlete agents; amending RCW 19.225.010, 19.225.020, 19.225.030, 19.225.040, 19.225.050, 19.225.060, 19.225.070, 19.225.080, 19.225.090, 19.225.100, and 19.225.120; and adding a new section to chapter 19.225 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 19.225.010 and 2002 c 131 s 2 are each amended to read as follows:

In this chapter:

(1) "Agency contract" means an agreement in which a student((-))athlete authorizes a person to negotiate or solicit on behalf of the ((~~student-~~))athlete a professional-sports-services contract or an endorsement contract.

(2)(a) "Athlete agent" means an individual who ((~~enters into an agency contract with a student-athlete or,~~)):

(i) Directly or indirectly, recruits or solicits a student((-))athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization;

(ii) For compensation or in anticipation of compensation related to a student athlete's participation in athletics:

(A) Serves the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution; or

(B) Manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes; or

(iii) In anticipation of representing a student athlete for a purpose related to the athlete's participation in athletics:

(A) Gives consideration to the student athlete or another person;

(B) Serves the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions; or

(C) Manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes.

(b) "Athlete agent" does not include an individual who:

(i) Acts solely on behalf of a professional sports team or organization; or

(ii) Is a licensed, registered, or certified professional and offers or provides services to a student athlete customarily provided by members of the profession, unless the individual:

(A) Also recruits or solicits the athlete to enter into an agency contract;

(B) Also, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for the athlete as a professional athlete or member of a professional sports team or organization; or

(C) Receives consideration for providing the services calculated using a different method than for an individual who is not a student athlete. ((~~The term does not include a spouse, parent, sibling, grandparent, or legal guardian of the student athlete or an individual acting solely on behalf of a professional sports team or professional sports organization. The term includes an individual who represents to the public that the individual is an athlete agent.~~))

(3) "Athletic director" means ((~~an~~)) the individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.

(4) "Contact" means a communication, direct or indirect, between an athlete agent and a student((-))athlete, to recruit or solicit the student((-))athlete to enter into an agency contract.

(5) "Educational institution" includes a public or private elementary school, secondary school, technical or vocational school, community college, college, and university.

(6) "Endorsement contract" means an agreement under which a student ((-))athlete is employed or receives consideration to use on behalf of the other party any value that the student((-))athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance.

(((~~(6)~~))) (7) "Enrolled" means registered for courses and attending athletic practice or class. "Enrolls" has a corresponding meaning.

(8) "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student((-))athlete are established by a national association ((~~for the promotion or regulation of~~)) that promotes or regulates collegiate athletics.

(((~~7~~))) (9) "Interscholastic sport" means a sport played between educational institutions that are not community colleges, colleges, or universities.

(10) "Licensed, registered, or certified professional" means an individual licensed, registered, or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant, or member of a profession, other than that of athlete agent, who is licensed, registered, or certified by the state or a nationally recognized organization that licenses, registers, or certifies members of the profession on the basis of experience, education, or testing.

(11) "Person" means an individual, estate, business or nonprofit entity, public corporation, ((~~business trust, estate, trust, partnership, limited liability company, association, joint venture, or~~)) government((~~,~~)) or governmental subdivision, agency, or instrumentality((~~, public corporation,~~)), or any other legal or commercial entity.

(((~~8~~))) (12) "Professional-sports-services contract" means an agreement under which an individual is employed as a professional athlete or agrees to render services as a player on a professional sports team((~~,~~)) or with a professional sports organization((~~, or as a professional athlete~~)).

(((~~9~~))) (13) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(((~~10~~))) (14) "Recruit or solicit" means the attempt to influence the choice of an athlete agent by a student athlete or, if the athlete is a minor, a parent or guardian of the athlete. The term does not include giving advice on the selection of a particular athlete agent in a family, coaching, or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the athlete agent.

(15) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(16) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(((~~11~~))) (17) "Student((-))athlete" means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. ((~~If~~)) The term does not include an individual ((~~is~~)) permanently ineligible to participate in a particular interscholastic or intercollegiate sport((~~, the individual is not a student-athlete~~)) for ((~~purposes of~~)) that sport.

Sec. 2. RCW 19.225.020 and 2002 c 131 s 3 are each amended to read as follows:

By ((~~engaging in the business of~~)) acting as an athlete agent in this state, a nonresident individual appoints the secretary of state as the individual's agent

((~~to accept~~)) for service of process in any civil action in this state related to ((~~the individual's business~~)) acting as an athlete agent in this state.

Sec. 3. RCW 19.225.030 and 2002 c 131 s 4 are each amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, an individual may not act as an athlete agent in this state unless on the day of initial contact with any student((~~-~~))athlete the athlete agent delivers to the student((~~-~~))athlete the athlete agent disclosure form as required by RCW 19.225.040.

(2) An individual may act as an athlete agent before delivering an athlete agent disclosure form for all purposes except signing an agency contract if:

(a) A student((~~-~~))athlete or another person acting on behalf of the ((~~student-~~))athlete initiates communication with the individual; and

(b) ((~~Within~~)) Not later than seven days after an initial act as an athlete agent, the individual delivers an athlete agent disclosure form to the student((~~-~~))athlete.

(3) An agency contract resulting from conduct in violation of this section is void((~~.~~)), and the athlete agent shall return any consideration received under the contract.

Sec. 4. RCW 19.225.040 and 2002 c 131 s 5 are each amended to read as follows:

(1) The athlete agent disclosure form must be in a record executed in the name of an individual and signed by the athlete agent under penalty of perjury and, except as otherwise provided in subsection (2) of this section, must ((~~state or~~)) contain at least the following:

(a) The name of the athlete agent and the following contact information for the agent:

(i) The address of the athlete agent's principal place of business;

(ii) Work and mobile telephone numbers; and

(iii) Any means of communicating electronically, including a facsimile number, email address, and personal and business or employer web sites;

(b) The name of the athlete agent's business or employer, if applicable, including for each business or employer, its mailing address, telephone number, organization form, and nature of the business;

(c) ((~~Any~~)) Each social media account with which the athlete agent or the agent's business or employer is affiliated;

(d) Each business or occupation in which the athlete agent engaged ((~~in by the athlete agent for the~~)) within five years ((~~next preceding~~)) before the date of execution of the athlete agent disclosure form, including self-employment and employment by others, and any professional or occupational license, registration, or certification held by the agent during that time;

(((~~(d)~~))) (e) A description of the athlete agent's:

(i) Formal training as an athlete agent;

(ii) Practical experience as an athlete agent; and

(iii) Educational background relating to the athlete agent's activities as an athlete agent;

(((~~(e) The names and addresses of three individuals not related to the athlete agent who are willing to serve as references;~~)))

(f) The name((~~, sport, and last known team for each individual~~)) of each student athlete for whom the athlete agent ((~~provided services~~)) acted as an athlete agent ((~~during~~)) within the five years ((~~next preceding~~)) before the date of execution of the athlete agent disclosure form or, if the individual is a minor, the name of the parent or guardian of the minor, together with the athlete's sport and last-known team;

(g) The names and addresses of ((~~all persons who are~~)) each person that:

(i) ((~~With respect to the athlete agent's business if it is not a corporation, the partners, officers, associates, or profit-sharers~~)) Is a partner, member, officer, manager, associate, or profit sharer or directly or indirectly holds an equity interest of five percent or greater of the athlete agent's business if it is not a corporation; and

(ii) ((~~With respect to a corporation employing the athlete agent, the officers, directors, and any shareholder of the corporation with a five percent or greater interest~~)) Is an officer or director of a corporation employing the athlete agent or a shareholder having an interest of five percent or greater in the corporation;

(h) A description of the status of any application by the athlete agent, or any person named under (g) of this subsection, for a state or federal business, professional, or occupational license, other than as an athlete agent, from a state or federal agency, including any denial, refusal to renew, suspension, withdrawal, or termination of the license and any reprimand or censure related to the license;

(i) Whether the athlete agent or any other person named pursuant to (g) of this subsection has pleaded guilty or no contest to, has been convicted of, or has charges pending for, a ((~~crime that, if committed in this state, would be a~~)) felony or other crime involving moral turpitude, and ((~~identify~~)), if so, identification of:

(i) The crime;

((~~(i)~~)) (ii) The law enforcement agency involved; and

(iii) If applicable, the date of the conviction and the fine or penalty imposed;

(j) Whether, within fifteen years before the date of execution of the athlete agent disclosure form, the athlete agent, or any person named under (g) of this subsection, has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of legal incompetence and, if so, the date and a full explanation of each proceeding;

(k) Whether the athlete agent, or any person named under (g) of this subsection, has an unsatisfied judgment or a judgment of continuing effect, including maintenance or a domestic order in the nature of child support, which is not current at the date of execution of the athlete agent disclosure form;

(l) Whether, within ten years before the execution of the athlete agent disclosure form, the athlete agent, or any person named under (g) of this subsection, was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt;

(m) Whether there has been any administrative or judicial determination that the athlete agent, or any other person named ((~~pursuant to~~)) under (g) of this subsection ((~~has~~)), made a false, misleading, deceptive, or fraudulent representation;

((~~(j) Any~~)) (n) Each instance in which the conduct of the athlete agent, or any other person named ((~~pursuant to~~)) under (g) of this subsection, resulted in

the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic ((~~or~~)), intercollegiate, or professional athletic event on a student((~~-~~))athlete or a sanction on an educational institution;

(((~~(k) Any~~)) (o) Each sanction, suspension, or disciplinary action taken against the athlete agent, or any other person named ((~~pursuant to~~)) under (g) of this subsection, arising out of occupational or professional conduct; ((~~and (l)~~)) (p) Whether there has been ((~~any~~)) a denial of an application for, suspension or revocation of, ((~~or~~)) refusal to renew, or abandonment of, the registration ((~~or licensure~~)) of the athlete agent, or any other person named ((~~pursuant to~~)) under (g) of this subsection, as an athlete agent in any state;

(q) Each state in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent; and

(r) If the athlete agent is certified or registered by a professional league or players association:

(i) The name of the league or association;

(ii) The date of certification or registration, and the date of expiration of the certification or registration, if any; and

(iii) If applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration.

(2) Instead of delivering an athlete agent disclosure form pursuant to subsection (1) of this section, an individual who ((~~has submitted an application for, and received a certificate of or a renewal of a certificate of, registration~~)) is registered or ((~~licensure~~)) licensed as an athlete agent in another state may ((~~submit a copy of the application and a valid certificate of registration or licensure from the other state in lieu of submitting an athlete agent disclosure form in the form prescribed pursuant to subsection (1) of this section, but only if the application to the other state:~~

~~(a) Was submitted in the other state within the six-months next preceding the date of delivery of the athlete agent disclosure form in this state and the athlete agent certifies the information contained in the application is current;~~

~~(b) Contains information substantially similar to or more comprehensive than that required in an athlete agent disclosure form under subsection (1) of this section; and~~

~~(c) Was signed by the athlete agent under penalty of perjury.~~)) deliver:

(a) A copy of the application for registration or licensure in the other state;

(b) A statement that identifies any material change in the information on the application or verifies there is no material change in the information, signed under penalty of perjury; and

(c) A copy of the valid certificate of registration or licensure from the other state.

Sec. 5. RCW 19.225.050 and 2002 c 131 s 6 are each amended to read as follows:

No person may engage in the business of an athlete agent who has:

(1) Pleaded guilty or no contest to, has been convicted of, or has charges pending for, a ((~~crime that, if committed in this state, would be a~~)) felony or other crime involving moral turpitude;

(2) Made a materially false, misleading, deceptive, or fraudulent representation as an athlete agent or in the application for licensure or registration as an athlete agent in another state;

(3) Engaged in conduct prohibited by RCW 19.225.100;

(4) Had a registration or licensure as an athlete agent suspended, revoked, or denied ((~~or been refused renewal of registration or licensure~~)) in any state; ((~~or~~))

(5) Been refused renewal of registration as an athlete agent in any state; or

(6) Engaged in conduct ((~~or failed to engage in conduct the consequence of which was that~~)) resulting in imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic ((~~or~~)), intercollegiate, or professional athletic event ((~~was imposed~~)) on a student((~~-~~))athlete or a sanction on an educational institution.

Sec. 6. RCW 19.225.060 and 2002 c 131 s 7 are each amended to read as follows:

(1) An agency contract must be in a record signed by the parties.

(2) An agency contract must ((~~state or~~)) contain:

(a) The amount and method of calculating the consideration to be paid by the student((~~-~~))athlete for services to be provided by the athlete agent under the contract and any other consideration the athlete agent has received or will receive from any other source for entering into the contract or for providing the services;

(b) The name of any person other than the athlete agent who will be compensated because the student((~~-~~))athlete signed the ((~~agency~~)) contract;

(c) A description of any expenses ((~~that~~)) the student((~~-~~))athlete agrees to reimburse;

(d) A description of the services to be provided to the ((~~student~~))athlete;

(e) The duration of the contract; and

(f) The date of execution.

(3) Subject to subsection (7) of this section, an agency contract must contain((~~, in close proximity to the signature of the student-athlete,~~)) a conspicuous notice in boldface type ((~~in capital letters stating~~)) and in substantially the following form:

WARNING TO STUDENT((-))ATHLETE
IF YOU SIGN THIS CONTRACT:

(a) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT((-))ATHLETE IN YOUR SPORT;

(b) BOTH YOU AND YOUR ATHLETE AGENT ((~~ARE REQUIRED TO TELL~~)) MUST NOTIFY YOUR ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, AT LEAST SEVENTY-TWO HOURS PRIOR TO ENTERING INTO AN AGENCY CONTRACT THAT YOU INTEND TO ENTER INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT AND AGAIN WITHIN SEVENTY-TWO HOURS AFTER ENTERING INTO AN AGENCY CONTRACT THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND

(c) YOU MAY CANCEL THIS CONTRACT WITHIN ((~~FOURTEEN~~)) 14 DAYS AFTER SIGNING IT. CANCELLATION OF

((~~THE~~)) THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT ATHLETE IN YOUR SPORT.

(4) ((~~A copy of the athlete agent disclosure form delivered to the student-athlete shall be attached to the agency contract.~~)) An agency contract must be accompanied by a separate record signed by the student athlete or, if the athlete is a minor, the parent or guardian of the athlete acknowledging that signing the contract may result in the loss of the athlete's eligibility to participate in the athlete's sport.

(5) ((~~An agency contract that does not conform to this section is voidable by the student-athlete.~~)) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may void an agency contract that does not conform to this section. If the contract is voided, any consideration received from the athlete agent under the contract to induce entering into the contract is not required to be returned.

(6) ((~~The athlete agent shall give a copy of the signed agency contract to the student-athlete at the time of signing.~~)) At the time an agency contract is executed, the athlete agent shall give the student athlete or, if the athlete is a minor, the parent or guardian of the athlete a copy in a record of the contract and the separate acknowledgment required in subsection (4) of this section.

(7) If a student athlete is a minor, an agency contract must be signed by the parent or guardian of the minor and the notice required by subsection (3) of this section must be revised accordingly.

Sec. 7. RCW 19.225.070 and 2002 c 131 s 8 are each amended to read as follows:

(1) ((~~At least~~)) In this section, "communicating or attempting to communicate" means contacting or attempting to contact by an in-person meeting, a record, or any other method that conveys or attempts to convey a message.

(2) Not later than seventy-two hours prior to entering into an agency contract and again not later than seventy-two hours after entering into an agency contract, or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract ((~~and shall provide a copy of the athlete agent disclosure form~~)) to the athletic director of the educational institution at which the ((~~student-~~))athlete is enrolled or at which the athlete agent has reasonable grounds to believe the ((~~student-~~))athlete intends to enroll.

(((~~(2) Within seventy-two hours after entering into an agency contract or before the next scheduled athletic event in which the student-athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract and shall provide a copy of the athlete agent disclosure form to the athletic director of the educational institution at which the student-athlete is enrolled or the athlete agent has reasonable grounds to believe the student-athlete intends to enroll.~~))

(3) ((~~At least seventy-two hours prior to entering into an agency contract, the student-athlete shall give notice in a record of the existence of the contract and shall provide a copy of the athlete agent disclosure form to the athletic director of the educational institution at which the student-athlete is enrolled.~~

~~(4) Within~~)) Not later than seventy-two hours prior to entering into an agency contract and again not later than seventy-two hours after entering into an agency contract or before the next scheduled athletic event in which the student((~~-~~))athlete may participate, whichever occurs first, the ((~~student-~~))athlete shall inform the athletic director of the educational institution at which the ((~~student-~~))athlete is enrolled that ((~~he or she~~)) the athlete has entered into an agency contract and ((~~shall provide a copy of the athlete agent disclosure form~~)) the name and contact information of the athlete agent.

(4) If an athlete agent enters into an agency contract with a student athlete and the athlete subsequently enrolls at an educational institution, the athlete agent shall notify the athletic director of the institution of the existence of the contract not later than seventy-two hours after the athlete agent knew or should have known the athlete enrolled.

(5) If an athlete agent has a relationship with a student athlete before the athlete enrolls in an educational institution and receives an athletic scholarship from the institution, the athlete agent shall notify the institution of the relationship not later than ten days after the enrollment if the athlete agent knows or should have known of the enrollment and:

(a) The relationship was motivated in whole or part by the intention of the athlete agent to recruit or solicit the athlete to enter an agency contract in the future; or

(b) The athlete agent directly or indirectly recruited or solicited the athlete to enter an agency contract before the enrollment.

(6) An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student athlete is enrolled before the athlete agent communicates or attempts to communicate with:

(a) The athlete or, if the athlete is a minor, a parent or guardian of the athlete, to influence the athlete or parent or guardian to enter into an agency contract; or

(b) Another individual to have that individual influence the athlete or, if the athlete is a minor, the parent or guardian of the athlete to enter into an agency contract.

(7) If a communication or attempt to communicate with an athlete agent is initiated by a student athlete or another individual on behalf of the athlete, the athlete agent shall notify in a record the athletic director of any educational institution at which the athlete is enrolled. The notification must be made not later than ten days after the communication or attempt.

(8) An educational institution that becomes aware of a violation of this act by an athlete agent shall notify any professional league or players association with which the institution is aware the athlete agent is licensed or registered of the violation.

Sec. 8. RCW 19.225.080 and 2002 c 131 s 9 are each amended to read as follows:

(1) A student((~~-~~))athlete or, if the athlete is a minor, the parent or guardian of the athlete may cancel an agency contract by giving notice in a record of cancellation to the athlete agent ((~~of the cancellation within~~)) not later than fourteen days after the contract is signed.

(2) A student((~~-~~))athlete or, if the athlete is a minor, the parent or guardian of the athlete may not waive the right to cancel an agency contract.

(3) If a student((-))athlete, parent, or guardian cancels an agency contract, the ((student-))athlete, parent, or guardian is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to ((induce)) influence the ((student-))athlete to enter into the contract.

Sec. 9. RCW 19.225.090 and 2002 c 131 s 10 are each amended to read as follows:

(1) An athlete agent shall create and retain ((the following records)) for ((a period of)) five years records of the following:

(a) The name and address of each individual represented by the athlete agent;

(b) ((Any)) Each agency contract entered into by the athlete agent; and

(c) ((Any)) The direct costs incurred by the athlete agent in the recruitment or solicitation of ((a)) each student((-))athlete to enter into an agency contract.

(2) Records ((required by)) described in subsection (1) of this section ((to be retained)) are subject to subpoena in a judicial proceeding.

Sec. 10. RCW 19.225.100 and 2002 c 131 s 11 are each amended to read as follows:

(1) An athlete agent, with the intent to influence a student athlete or, if the athlete is a minor, a parent or guardian of the athlete to enter into an agency contract, may not ((do)) take any of the following ((with the intent to induce a student-athlete to enter into an agency contract)) actions or encourage any other individual to take or assist any other individual in taking any of the following actions on behalf of the athlete agent:

(a) Give ((any)) materially false or misleading information or make a materially false promise or representation;

(b) Furnish anything of value to ((a student-athlete)) the athlete before the ((student-))athlete enters into the ((agency)) contract; or

(c) Furnish anything of value to ((any)) an individual other than the ((student-))athlete or another registered athlete agent.

(2) An athlete agent may not intentionally do any of the following or encourage any other individual to do any of the following on behalf of the agent:

(a) Initiate contact, directly or indirectly, with a student((-))athlete or, if the athlete is a minor, a parent or guardian of the athlete, to recruit or solicit the athlete, parent, or guardian to enter an agency contract unless providing the ((student-))athlete with the athlete agent disclosure form as provided in RCW 19.225.030;

(b) Refuse or willfully fail to retain or produce in response to subpoena the records required by RCW 19.225.090;

(c) Fail to disclose information required by RCW 19.225.040;

(d) Provide materially false or misleading information in an athlete agent disclosure form;

(e) Predate or postdate an agency contract;

(f) Fail to notify a student((-))athlete ((prior to the student-athlete's signing)) or, if the athlete is a minor, a parent or guardian of the athlete, before the athlete, parent, or guardian signs an agency contract for a particular sport that the signing ((by the student-athlete)) may make the ((student-))athlete ineligible to participate as a student((-))athlete in that sport;

(g) Ask or allow a student((-))athlete to waive or attempt to waive rights under this chapter;

(h) Fail to give notice required under RCW 19.225.070; or

(i) Engage in the business of an athlete agent in this state: (A) At any time after conviction under RCW 19.225.110; or (B) within five years of entry of a civil judgment under RCW 19.225.120.

Sec. 11. RCW 19.225.120 and 2002 c 131 s 13 are each amended to read as follows:

(1) An educational institution ((~~has a right of~~)) or student athlete may bring an action for damages against an athlete agent ((~~or a former student-athlete for damages caused by a~~)) if the institution or athlete is adversely affected by an act or omission of the agent in violation of this chapter. ((~~In an action under this section, the court may award to the prevailing party costs and reasonable attorneys' fees.~~

~~(2) Damages of an educational institution under subsection (1) of this section include losses and expenses incurred because, as a result of the activities of an athlete agent or former student-athlete, the educational institution was injured by a violation of this chapter or was penalized, disqualified, or suspended from participation in athletics by a national association for the promotion and regulation of athletics, by an athletic conference, or by reasonable self-imposed disciplinary action taken to mitigate sanctions.~~

~~(3) A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or former student-athlete.~~

~~(4) Any liability of the athlete agent or the former student-athlete under this section is several and not joint.~~

~~(5) This chapter does not restrict rights, remedies, or defenses of any person under law or equity.~~)) An educational institution or student athlete is adversely affected by an act or omission of the athlete agent only if, because of the act or omission, the institution or an individual who was a student athlete at the time of the act or omission and enrolled in the institution:

(a) Is suspended or disqualified from participation in an interscholastic or intercollegiate sport event by or under the rules of a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports; or

(b) Suffers financial damage.

(2) A plaintiff that prevails in an action under this section may recover actual damages and costs, and reasonable attorneys' fees. An athlete agent found liable under this section forfeits any right of payment for anything of benefit or value provided to the student athlete and shall refund any consideration paid to the athlete agent by or on behalf of the athlete.

(3) A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade and commerce and an unfair method of competition for the purposes of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. **Sec. 12.** A new section is added to chapter 19.225 RCW to read as follows:

This act modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

Passed by the Senate February 9, 2016.
Passed by the House March 1, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 14

[Substitute Senate Bill 6284]

MULTIPURPOSE FIRE SPRINKLER SYSTEMS--WATER-SEWER DISTRICT PROHIBITIONS

AN ACT Relating to preventing water-sewer districts from prohibiting multipurpose fire sprinkler systems; and adding a new section to chapter 57.02 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 57.02 RCW to read as follows:

(1) A water-sewer district may not prohibit the use of multipurpose fire sprinkler systems that are part of a structure's plumbing system for single-family homes and townhouses as defined by the state residential building code or require a separate water meter or backflow preventer for the multipurpose fire sprinkler system.

(2) For the purposes of this section, "multipurpose fire sprinkler system" means a fire sprinkler system that:

(a) Is supplied only by the purveyor's water;

(b) Does not have a fire department pumper connection;

(c) Is constructed of approved potable water piping and materials to which sprinkler heads are attached; and

(d) Terminates at a connection to a toilet or other plumbing fixture to prevent stagnant water.

Passed by the Senate February 9, 2016.
Passed by the House March 1, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 15

[Substitute Senate Bill 6290]

APPLE COMMISSION--VARIOUS PROVISIONS

AN ACT Relating to the apple commission; amending RCW 15.24.010, 15.24.020, 15.24.030, 15.24.035, 15.24.073, 15.24.080, 15.24.090, 15.24.100, 15.24.110, 15.24.120, and 15.24.900; and repealing RCW 15.24.033, 15.24.040, 15.24.060, 15.24.086, and 15.24.170.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 15.24.010 and 2002 c 313 s 115 are each amended to read as follows:

As used in this chapter:

(1) "Commission" means the Washington apple commission;

(2) "Ship" means to load apples into a conveyance for transport, except apples being moved from the orchard where grown to a packing house or warehouse within the immediate area of production;

(3) "Handler" means any person who ships or initiates a shipping operation, whether for himself, herself, or for another;

(4) "Dealer" means any person who handles, ships, buys, or sells apples, or who acts as sales or purchasing agent, broker, or factor of apples;

(5) "Processor" and "processing plant" means every person to whom and every place to which apples are delivered for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article;

(6) "Processing apples" means all apples delivered to a processing plant for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article. However, "processing apples" does not include fresh apples sliced or cut for raw consumption;

(7) "Fresh apples" means all apples other than processing apples;

(8) "Director" means the director of the department of agriculture or his or her duly authorized representative;

(9) "Grower district No. 1" includes the counties of Chelan, Okanogan, and Douglas;

(10) "Grower district No. 2" includes the counties of Kittitas, Yakima, Benton, and Franklin;

(11) "Grower district No. 3" includes all counties in the state not included in the first and second districts;

(12) "Dealer district No. 1" includes the area of the state north of Interstate 90;

(13) "Dealer district No. 2" includes the area of the state south of Interstate 90; ((~~and~~))

(14) "Executive officer" includes, but is not limited to, the principal management executive, sales manager, general manager, or other executive employee of similar responsibility and authority;

(15) "Grower" means a person engaged in the business of producing apples for market in commercial quantities, whether as an individual, corporation, firm, limited liability company, trust, association, partnership, society, or any other organization of individuals; and

(16) "Crop year" means the year in which apples are harvested and is designated for those apples based on the date of harvest regardless of when they are subsequently packed or shipped.

Sec. 2. RCW 15.24.020 and 2004 c 178 s 2 are each amended to read as follows:

There is hereby created a Washington apple commission to be thus known and designated. The commission shall be composed of nine ((~~practical~~)) apple ((~~producers~~)) growers and four ((~~practical~~)) apple dealers. In addition, the director shall be a full voting member of the commission and may in his or her place appoint any other employee of the department of agriculture as a designee

to attend commission meetings and otherwise represent the director and exercise the director's vote.

The nine ((~~producer~~)) grower members shall be citizens and residents of this state, over the age of twenty-five years, each of whom, either individually or as an executive officer of a corporation, firm or partnership, is and has been actually engaged in growing and producing apples within the state of Washington for a period of five years, currently operates a commercial producing orchard in the district represented, and has during that period derived a substantial portion of his or her income therefrom. The four dealer members shall be persons who, either individually or as executive officers of a corporation, firm, partnership, association, or cooperative organization, are and have been actively engaged as dealers in apples within the state of Washington for a period of five years, and are citizens and residents of this state, and are engaged as apple dealers in the district represented. The qualifications of members of the commission as herein set forth must continue during their term of office. A person who meets the qualifications of both a ((~~producer~~)) grower and a dealer as set forth in this section may serve as either a ((~~producer~~)) grower member or a dealer member.

Sec. 3. RCW 15.24.030 and 2004 c 178 s 3 are each amended to read as follows:

Thirteen persons, not including the director or the director's representative, with the qualifications stated in RCW 15.24.020 shall be members of the commission. Nine of the members shall be ((~~producer~~)) grower members, and four shall be dealer members. The number of ((~~producer~~)) grower members to be appointed from each grower district shall be determined in accordance with the relative acreages of planted commercial apple orchards within the various districts ((~~as of July 1, 2003~~)), according to the most recent census of acreages published by the United States department of agriculture, agricultural statistics service. The number of ((~~producer~~)) grower members to be appointed from each of the grower districts shall be subject to readjustment every ten years thereafter in accordance with the then most recent census of acreages of planted commercial apple orchards published by the United States department of agriculture, agricultural statistics service. In the event the information from the United States department of agriculture's agricultural statistics service is not published with respect to the specifically defined districts, the commission shall adopt rules to establish equitable apportionment based on the available information. However, at all times at least two ((~~producer~~)) grower members shall be from district 1, one of which shall be from Okanogan county; district 2 shall never have fewer than two ((~~producer~~)) grower members; and district 3 shall never have fewer than one ((~~producer~~)) grower member. The commission shall adopt rules to effect the efficient transition of reapportioned positions.

The regular term of office of the members of the commission shall be three years from March 1st following their appointment by the director and until their successors are appointed. The commission shall hold its annual meeting during the month of March each year and shall hold such other meetings during the year as it shall determine. The first commission meeting that takes place after June 10, 2004, shall be held in Wenatchee, and subsequent commission meetings shall alternate between Yakima and Wenatchee.

Sec. 4. RCW 15.24.035 and 2008 c 11 s 1 are each amended to read as follows:

(1) The director shall appoint the members of the commission.

(2) ((~~Candidates for positions on the commission shall be nominated to the director in accordance with subsection (3) of this section.~~)) Except as provided in RCW 15.24.050, before the expiration of a commission member's term, the commission shall call a meeting of apple growers and dealers for the purpose of nominating candidates whose names will be forwarded to the director for consideration for appointment as a member of the commission. The meetings may be held each year, as far as practicable, at the same time and place as an annual meeting of a grower or dealer organization that represents a majority of the state's apple growers or dealers, but not while the same is in actual session. Public notice of such meetings must be given by the commission in such manner as it may determine: PROVIDED, That nonreceipt of the notice by any interested person does not invalidate the proceedings. Any qualified person may be nominated orally for such positions at the respective meetings. Nominations may also be made within five days after any such meeting by written petition filed in the office of the commission, signed by not less than five apple growers or dealers, as the case may be, residing within the district.

(3) ((~~Not less than sixty days nor more than seventy-five days prior to the commencement of a commission member's term,~~)) The commission shall ((~~cause~~)) hold an advisory vote ((~~to be held for the director-appointed positions~~)) in the event that more than two candidates are nominated for a position. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for consideration. In the event that only one candidate is nominated, the name must be forwarded to the director for consideration without an advisory vote.

(4) Advisory ballots shall be mailed to all ((~~affected producers~~)) growers for ((~~producer~~)) grower positions and to affected dealers for dealer positions ((~~and shall be returned to the commission not less than thirty days prior to the commencement of the term~~)). The advisory ballot shall be conducted in a manner so that it is a secret ballot. ((~~The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the commission. In the event only two candidates are nominated for a position, an advisory vote need not be held and the candidates' names shall be forwarded to the director for potential appointment. If only one candidate is nominated for a position,~~)) Nominees to be forwarded to the director for consideration for appointment to dealer positions on the commission shall be selected by a majority of the votes cast by the apple dealers in the respective districts, each dealer being entitled to one vote. Nominees to be forwarded to the director for consideration for appointment to grower positions on the commission shall be selected by a majority of the votes cast by the apple growers in the respective districts. Each grower engaged in the business of producing apples for market in commercial quantities within the district is entitled to one vote. An individual commercial orchard operator, if otherwise qualified, is entitled to vote, even though he or she is also a member of a partnership or corporation, which also is entitled to vote.

(5) The director has the discretion to appoint or reject ((~~the~~)) any candidate.

((~~(4)~~)) (6) Any candidate whose name is forwarded to the director for potential appointment shall submit to the director a letter stating why he or she wishes to be appointed to the commission. The director may select any candidate for the position or may reject all candidates and request a new advisory vote with nominees selected by the commission and, if desired, by the director.

Sec. 5. RCW 15.24.073 and 2002 c 313 s 125 are each amended to read as follows:

All rule-making proceedings conducted under this chapter must be in accordance with chapter 34.05 RCW except that rule-making proceedings conducted under this chapter are exempt from compliance with RCW 34.05.310, 43.135.055, and the provisions of chapter 19.85 RCW, the regulatory fairness act, when the proposed rule is subject to a referendum.

Sec. 6. RCW 15.24.080 and 2002 c 313 s 120 are each amended to read as follows:

In order to benefit the people of this state, the state's economy and its general tax revenues, the commission shall provide for and conduct a comprehensive and extensive research, advertising, and educational campaign as continuous as the crop, sales, and market conditions reasonably require. It shall investigate and ascertain the needs of ((~~producers~~)) growers, conditions of the markets, and extent to which public convenience and necessity require research and advertising to be conducted.

Sec. 7. RCW 15.24.090 and 2004 c 178 s 10 are each amended to read as follows:

(1) There is hereby levied annually upon all fresh apples grown in this state, and all apples packed as Washington apples, including fresh sliced, an assessment of eight and seventy-five one-hundredths cents per one hundred pounds of apples, based on net shipping weight, or reasonable equivalent net product assessment measurement as determined by the commission. All moneys collected under this subsection must be expended to effectuate the purpose and objects of this chapter. The assessment rates established in this subsection may be increased or decreased pursuant to the procedure in subsection (2) of this section.

(2) If ((~~it appears from investigation by the director and~~)) the commission determines based on information available to it that the revenue from the assessment levied ((~~on fresh apples~~)) under this chapter is too high or is inadequate to accomplish the purposes of this chapter, then with the oversight of the director the commission shall ((~~adopt a resolution~~)) commence rule making setting forth the ((~~necessities~~)) needs of the industry, the extent and probable cost of ((~~the required research or other expenditures, the extent of public convenience, interest, and necessity, and probable~~)) commission activities identified as necessary to address the needs of the industry together with a brief statement justifying each activity, the proposed new assessment rate, and the expected revenue from the proposed assessment ((~~levied~~)). A different rate may be proposed for any specific variety or for fresh apples sliced or cut for raw consumption.

(3) Upon receiving the director's approval of the rule making commenced under subsection (2) of this section, and with the oversight of the director, ((~~and subject to the approval by vote of at least two-thirds for increases, or a majority~~

~~for decreases, of the producers voting; and approval of voting producers who operate at least two-thirds for increases, or a majority for decreases, of the acreage voted in the same election, the commission shall thereupon decrease or increase the assessment to a sum determined by the commission to be necessary for those purposes. However, if a different rate is determined for any specific variety or for fresh apples sliced or cut for raw consumption, that different rate must be applied to that variety or those sliced or cut apples. A decrease or an increase becomes effective sixty days after the resolution is adopted or on any other date provided for in the resolution, but shall be first referred by the commission to a referendum mail ballot by the apple growers of this state conducted under the supervision of the director and be approved by at least two-thirds for increases, or a majority for decreases, of the growers voting on it and also be approved by voting growers who operate at least two-thirds for increases, or a majority for decreases, of the acreage voted in the same election. After the mail ballot, if favorable to the increase or decrease, the commission shall nevertheless exercise its independent judgment and discretion as to whether or not to approve the increase or decrease~~)) the commission may conduct a referendum to determine whether growers assent to the proposed new assessment rate, or may refer the matter to the director to conduct the referendum on behalf of the commission. An increase in the assessment rate is approved if two-thirds of growers vote in favor and the growers voting in favor represent two-thirds of the apples grown in the two prior crop years, based on net shipping weight. A decrease in the assessment rate is approved if a majority of growers vote in favor and the growers voting in favor represent two-thirds of the apples grown in the two prior crop years, based on the net shipping weight. If approved, the new rate must be adopted in rule in accordance with chapter 34.05 RCW.

Sec. 8. RCW 15.24.100 and 2004 c 178 s 11 are each amended to read as follows:

(1) ((~~Subject to subsection (2) of this section, there is hereby levied upon all fresh apples grown annually in this state, and all apples packed as Washington apples, including fresh sliced, an assessment of eight and seventy-five one-hundredths cents per one hundred pounds of apples, based on net shipping weight, or reasonable equivalent net product assessment measurement as determined by the commission, plus such annual decreases or increases thereof as are imposed pursuant to the provisions of RCW 15.24.090. All moneys collected hereunder shall be expended to effectuate the purpose and objects of this chapter.~~

~~(2) No sooner than five years from June 10, 2004,~~)) A petition may be filed with the commission to reduce the assessment authorized in this section to zero. To be valid, the petition must be signed by at least eight percent of all apple growers eligible to vote in commission referendum elections. The petition shall contain the name of a person designated to represent the petitioners.

(((~~(a)~~))) (2) Upon receipt of a valid petition, the commission shall prepare a document discussing the substance of the petition. A statement in favor of the petition shall be written by the proponents of the petition. A statement opposing the petition may be written by the commission or an opponent. The document and a notice of public hearing shall be sent to apple growers eligible to vote in commission referendum elections at least twenty days prior to the scheduled

public hearings. The commission shall hold public hearings in Yakima and Wenatchee on the petition.

(((~~(b)~~))) (3) Following the public hearings, the question of whether to reduce the assessment authorized in this section to zero shall be referred to a referendum mail ballot. The commission shall certify to the director a list of apple growers eligible to vote in commission referendum elections. The referendum shall be conducted and supervised by the director using the certified list. Inadvertent failure to notify ((~~an affected~~)) a grower does not invalidate a referendum.

(((~~(c)~~))) (4) The referendum will be approved if a simple majority of apple growers voting in the referendum election vote in favor of the elimination of the assessment. The director will certify the results of the vote.

(((~~(d)~~))) (5) The referendum vote shall be binding and may not be overturned by action of the commission or director. If the referendum is approved, the commission shall immediately commence activities to wind down its operations. However, the elimination of the assessment shall not be effective until six months from the date the referendum result is certified by the director. If the referendum fails, neither the commission nor the director will take further action on the petition.

(((~~(e)~~))) (6) The commission is responsible for all its own costs and all the director's costs associated with the hearing, notice, and referendum process. A subsequent petition may not be filed any sooner than five years following the certification of the results of any previously held referendum conducted under this ((~~sub~~))section.

Sec. 9. RCW 15.24.110 and 2004 c 178 s 12 are each amended to read as follows:

The assessments on fresh apples shall be paid, or provision made therefor satisfactory to the commission, ((~~prior to~~)) at the time of shipment, and no fresh apples shall be carried, transported, or shipped by any person or by any carrier, railroad, truck, boat, or other conveyance until the assessment has been paid or provision made therefor satisfactory to the commission.

The commission shall by rule prescribe the method of collection((~~, and for that purpose may require stamps to be known as "Washington apple stamps" to be purchased from the commission and attached to the containers, invoices, shipping documents, inspection certificates, releases, or receiving receipts or tickets. Rule-making procedures conducted under this section are exempt from the provisions of RCW 43.135.055 when adoption of the rule or rules is determined by a referendum vote of the persons taxed under this chapter~~)) of the assessment.

The commission may also collect assessments imposed under RCW 15.26.120, and in that event, the commission shall establish and be reimbursed by the Washington tree fruit research commission an amount representing a reasonable approximation of the actual costs to the commission of such collection.

Sec. 10. RCW 15.24.120 and 2010 c 8 s 6021 are each amended to read as follows:

Each dealer, handler, and processor shall keep a complete and accurate record of all apples handled, shipped, or processed by him or her. This record

shall be in such form and contain such information as the commission may by rule or regulation prescribe, and shall be preserved for a period of two prior crop years, and be subject to inspection at any time upon demand of the commission or its agents.

Sec. 11. RCW 15.24.900 and 2011 c 103 s 27 are each amended to read as follows:

(1) This chapter is passed:

(a) In the exercise of the police power of the state to assure, through this chapter, and other chapters, that the apple industry is highly regulated to protect the public health, to prevent fraudulent practices, to promote the welfare of the state, and to stabilize and protect the apple industry of the state as a vital and integral part of its economy for the benefit of all its citizens;

(b) Because the apple crop grown in Washington comprises one of the major agricultural crops of Washington, and that therefore the business of selling and distributing such crop and the expanding and protection of its market is of public interest;

(c) Because it is necessary and expedient to enhance the reputation of Washington apples in domestic and foreign markets;

(d) Because it is necessary to discover the health giving qualities and food and dietetic value of Washington apples, and to spread that knowledge throughout the world in order to increase the consumption of Washington apples;

(e) Because Washington grown apples are handicapped by high freight rates in competition with eastern and foreign grown apples in the markets of the world, and this disadvantage can only be overcome by education and advertising;

(f) Because the stabilizing and promotion of the apple industry, the enlarging of its markets, and the increasing of the consumption of apples are necessary to assure and increase the payment of taxes to the state and its subdivisions, to alleviate unemployment within the state, and increase wages for agricultural labor;

(g) To disseminate information giving the public full knowledge of the manner of production, the cost and expense thereof, the care taken to produce and sell only apples of the finest quality, the methods and care used in preparing for market, and the methods of sale and distribution to increase the amount secured by the ((~~producer~~)) grower therefor, so that they can pay higher wages and pay their taxes, and by such information to reduce the cost of distribution so that the spread between the cost to the consumer and the amount received by the ((~~producer~~)) grower will be reduced to the minimum absolutely necessary; and

(h) To protect the general public by educating it in reference to the various varieties and grades of Washington apples, the time to use and consume each variety, and the uses to which each variety should be put.

(2) The history, economy, culture, and future of Washington state's agricultural industry involves the apple industry. In order to develop and promote apples and apple products as part of an existing comprehensive scheme to regulate those products, the legislature declares:

(a) That it is vital to the continued economic well-being of the citizens of this state and their general welfare that its apple and apple products be properly promoted by establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standards of and for apples and apple products; and by

working to stabilize the apple industry and by increasing consumption of apples and apple products within the state, nation, and internationally;

(b) That apple ((~~producers~~)) growers operate within a regulatory environment that imposes burdens on them for the benefit of society and the citizens of the state and includes restrictions on marketing autonomy. Those restrictions may impair the agricultural ((~~producer's~~)) grower's ability to compete in local, domestic, and foreign markets;

(c) That it is in the overriding public interest that support for the apple industry be clearly expressed, that adequate protection be given to agricultural commodities, uses, activities, and operations, and that apples and apple products be promoted individually, as well as part of a comprehensive promotion of the agricultural industry to:

(i) Enhance the reputation and image of Washington state's agricultural industry;

(ii) Increase the sale and use of apples and apple products in local, domestic, and foreign markets;

(iii) Protect the public and consumers by correcting any false or misleading information and by educating the public in reference to the quality, care, and methods used in the production of apples and apple products, and in reference to the various sizes, grades, and varieties of apples and the uses to which each should be put;

(iv) Increase the knowledge of the health-giving qualities and dietetic value of apple products; and

(v) Support and engage in programs or activities that benefit the production, handling, processing, marketing, and uses of apples and apple products;

(d) That the apple industry is a highly regulated industry and that this chapter and the rules adopted under it are only one aspect of the regulation of the industry. Other regulations and restraints applicable to the apple industry include:

(i) Washington agriculture general provisions, chapter 15.04 RCW;

(ii) Pests and diseases, chapter 15.08 RCW;

(iii) Standards of grades and packs, chapter 15.17 RCW;

(iv) Tree fruit research, chapter 15.26 RCW;

(v) Controlled atmosphere storage, chapter 15.30 RCW;

(vi) Higher education in agriculture, chapter 28B.30 RCW;

(vii) Department of agriculture, chapter 43.23 RCW;

(viii) Fertilizers, minerals, and limes under chapter 15.54 RCW;

(ix) Organic products act under chapter 15.86 RCW;

(x) Intrastate commerce in food, drugs, and cosmetics under chapter 69.04 RCW and rules;

(xi) Horticultural plants, Christmas trees, and facilities—Inspection and licensing under chapter 15.13 RCW;

(xii) Planting stock under chapter 15.14 RCW;

(xiii) Washington pesticide control act under chapter 15.58 RCW;

(xiv) Farm marketing under chapter 15.64 RCW;

(xv) Insect pests and plant diseases under chapter 17.24 RCW;

(xvi) Weights and measures under chapter 19.94 RCW;

(xvii) Agricultural products—Commission merchants, dealers, brokers, buyers, and agents under chapter 20.01 RCW; and

(xviii) The federal insecticide, fungicide, and rodenticide act under 7 U.S.C. Sec. 136; and

(e) That this chapter is in the exercise of the police powers of this state for the purposes of protecting the health, peace, safety, and general welfare of the people of this state.

NEW SECTION. **Sec. 12.** The following acts or parts of acts are each repealed:

(1) RCW 15.24.033 (Members—Transition to appointed commission—Appointments by director) and 2004 c 178 s 4;

(2) RCW 15.24.040 (Members—Nominations to the advisory ballot) and 2008 c 11 s 2, 2004 c 178 s 6, 2002 c 313 s 117, 1989 c 354 s 56, 1967 c 240 s 25, 1963 c 145 s 4, & 1961 c 11 s 15.24.040;

(3) RCW 15.24.060 (Commission records as evidence) and 1961 c 11 s 15.24.060;

(4) RCW 15.24.086 (Promotional printing contracts—Contractual conditions of employment) and 2015 c 225 s 8, 1994 c 164 s 1, 1973 1st ex.s. c 154 s 20, & 1961 c 11 s 15.24.086; and

(5) RCW 15.24.170 (Rules and regulations—Filing—Publication) and 2002 c 313 s 127, 1975 1st ex.s. c 7 s 37, & 1961 c 11 s 15.24.170.

Passed by the Senate February 10, 2016.
Passed by the House March 1, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 16

[Substitute Senate Bill 6326]

AUTO DEALER AND REPAIR FACILITY RECORDS--ELECTRONIC RETENTION

AN ACT Relating to the retention and maintenance of auto dealer and repair facility records; amending RCW 46.70.120 and 46.71.060; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 46.70.120 and 2001 c 272 s 7 are each amended to read as follows:

A dealer shall complete and maintain for a period of at least five years a record of the purchase and sale or lease of all vehicles purchased, sold, or leased by him or her. The records shall consist of:

(1) The license and title numbers of the state in which the last license was issued;

(2) A description of the vehicle;

(3) The name and address of the person from whom purchased;

(4) The name of the legal owner, if any;

(5) The name and address of the purchaser or lessee;

(6) If purchased from a dealer, the name, business address, dealer license number, and resale tax number of the dealer;

(7) The price paid for the vehicle and the method of payment;

(8) The vehicle odometer disclosure statement given by the seller to the dealer, and the vehicle odometer disclosure statement given by the dealer to the purchaser or lessee;

(9) The written agreement to allow a dealer to sell between the dealer and the consignor, or the listing dealer and the seller;

(10) Trust account records of receipts, deposits, and withdrawals;

(11) All sale documents, which shall show the full name of dealer employees involved in the sale or lease; and

(12) Any additional information the department may require. However, the department may not require a dealer to collect or retain the hardback copy of a temporary license permit after the permanent license plates for a vehicle have been provided to the purchaser or lessee, if the dealer maintains some other copy of the temporary license permit together with a log of the permits issued.

Such records shall be maintained separate from all other business records of the dealer. Paper records older than two years may be kept at a location other than the dealer's place of business if those records are made available in hard copy for inspection within three calendar days, exclusive of Saturday, Sunday, or a legal holiday, after a request by the director or the director's authorized agent. Records kept at the vehicle dealer's place of business must be available for inspection by the director or the director's authorized agent during normal business hours. Records shall be kept in paper form for one year and, after such time, may be kept solely as electronic records and not as hard copies as long as such electronic records can be accessed by computer at the dealer's place of business during normal business hours for the remainder of the five-year retention period. Records that originate as electronic records may be retained as electronic records with no paper form and must be accessible by computer at the dealer's place of business for at least five years. The director may adopt rules necessary to implement electronic records retention.

Dealers may maintain their recordkeeping and filing systems in accordance with their own particular business needs and practices. Nothing in this chapter requires dealers to maintain their records in any particular order or manner, as long as the records identified in this section are maintained in the dealership's recordkeeping system.

Sec. 2. RCW 46.71.060 and 1993 c 424 s 11 are each amended to read as follows:

Every automotive repair facility shall retain and make available for inspection, upon request by the customer or the customer's authorized representative, true copies of the written price estimates and invoices required under this chapter for at least one year after the date on which the repairs were performed. Such copies may be maintained as electronic records and not as hard copies as long as the repair facility is capable of printing the records in hard copy upon request of the customer or the customer's authorized representative.

NEW SECTION. **Sec. 3.** By December 31, 2018, the department of licensing shall submit a report to the legislature on the efforts taken to convert auto dealer and repair facility records to all electronic records. If the department has already converted to all electronic records by December 31, 2018, no report is required.

Passed by the Senate February 16, 2016.
Passed by the House March 1, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 17

[Substitute Senate Bill 6341]

CANNABIS PRODUCERS, PROCESSORS, AND RETAILERS--PROMOTIONAL ITEMS AND SERVICES

AN ACT Relating to the provision of personal services and promotional items by cannabis producers and processors; and adding a new section to chapter 69.50 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 69.50 RCW to read as follows:

(1)(a) Nothing in this chapter prohibits a producer or processor from providing retailers branded promotional items which are of nominal value, singly or in the aggregate. Such items include but are not limited to: Lighters, postcards, pencils, matches, shirts, hats, visors, and other similar items. Branded promotional items:

(i) Must be used exclusively by the retailer or its employees in a manner consistent with its license;

(ii) Must bear imprinted advertising matter of the producer or processor only;

(iii) May be provided by a producer or processor only to retailers and their employees and may not be provided by or through retailers or their employees to retail customers; and

(iv) May not be targeted to youth, including any: (A) Statement, picture, or illustration that depicts a child or other person under legal age for consuming cannabis; (B) objects, such as toys or characters, suggesting the presence of a child, or any other depiction designed in any manner to be especially appealing to children or other persons under legal age to consume cannabis; (C) advertising designed in any manner that would be especially appealing to children or other persons under twenty-one years of age; or (D) advertising implying that the consumption of cannabis is fashionable or the accepted course of behavior for persons under twenty-one years of age.

(b) A producer or processor is not obligated to provide any such branded promotional items, and a retailer may not require a producer or processor to provide such branded promotional items as a condition for selling any cannabis to the retailer.

(c) Any producer, processor, or retailer or any other person asserting that the provision of branded promotional items as allowed in (a) of this subsection has resulted or is more likely than not to result in undue influence or an adverse impact on public health and safety, or is otherwise inconsistent with the criteria in (a) of this subsection may file a complaint with the state liquor and cannabis board. Upon receipt of a complaint the state liquor and cannabis board may conduct such investigation as it deems appropriate in the circumstances. If the investigation reveals the provision of branded promotional items has resulted in or is more likely than not to result in undue influence or has resulted or is more likely than not to result in an adverse impact on public health and safety or is otherwise inconsistent with (a) of this subsection the state liquor and cannabis board may issue an administrative violation notice to the producer, processor, or

retailer. The recipient of the administrative violation notice may request a hearing under chapter 34.05 RCW.

(2) Nothing in this chapter prohibits:

(a) Producers or processors from listing on their internet web sites information related to retailers who sell or promote their products, including direct links to the retailers' internet web sites; and

(b) Retailers from listing on their internet web sites information related to producers or processors whose products those retailers sell or promote, including direct links to the producers or processors' web sites; or

(c) Producers, processors, and retailers from producing, jointly or together with regional, state, or local industry associations, brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, producers, processors, and their products.

(3) Nothing in this chapter prohibits the performance of personal services offered from time to time by a producer or processor to retailers when the personal services are (a) conducted at a licensed premises, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation in events and the use of informational or educational activities at the premises of a retailer holding a license under this chapter. A producer or processor is not obligated to perform any such personal services, and a retail licensee may not require a producer or processor to conduct any personal service as a condition for selling cannabis to the retail licensee.

(4) For the purposes of this section, "nominal value" means a value of thirty dollars or less.

Passed by the Senate February 11, 2016.
Passed by the House March 2, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 18

[Substitute Senate Bill 6342]
PRIVATE ACTIVITY BONDS--ALLOCATION

AN ACT Relating to private activity bond allocation; and amending RCW 39.86.120, 39.86.140, and 39.86.190.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 39.86.120 and 2010 1st sp.s. c 6 s 6 are each amended to read as follows:

(1) Except as provided in subsections (2) and (4) of this section, the initial allocation of the state ceiling shall be for each year as follows:

BOND USE CATEGORY	2010 and THEREAFTER
Housing	((~~32.0%~~)) 42.0%
Small Issue	25.0%
Exempt Facility	20.0%
Student Loans	((~~15.0%~~)) 5.0%

Public Utility	0.0%
Remainder and Redevelopment	8.0%

(2) Initial allocations may be modified by the agency only to reflect an issuer's carryforward amount. Any reduction of the initial allocation shall be added to the remainder and be available for allocation or reallocation.

(3) The remainder shall be allocated by the agency among one or more issuers from any bond use category with regard to the criteria specified in RCW 39.86.130.

(4) Should any bond use category no longer be subject to the state ceiling due to federal or state provisions of law, the agency shall divide the amount of that initial allocation among the remaining categories as necessary or appropriate with regard to the criteria specified in RCW 39.86.130.

(5)(a) Prior to July 1st of each calendar year, any available portion of an initial allocation may be allocated or reallocated only to an issuer within the same bond use category, except that the remainder category, or portions thereof, may be allocated at any time to any bond use category.

(b) Beginning July 1st of each calendar year, the agency may allocate or reallocate any available portion of the state ceiling to any bond use category with regard to the criteria specified in RCW 39.86.130.

Sec. 2. RCW 39.86.140 and 2011 c 211 s 3 are each amended to read as follows:

(1) No issuer may receive an allocation of the state ceiling without a certificate of approval from the agency. The agency may not make an allocation of the state ceiling to an issuer formed or organized under the laws of another state.

(2) For each state ceiling allocation request, an issuer shall submit to the agency, no sooner than ninety days prior to the beginning of a calendar year for which an allocation of the state ceiling is being requested, a form identifying:

(a) The amount of the allocation sought;

(b) The bond use category from which the allocation sought would be made;

(c) The project or program for which the allocation is requested;

(d) The financing schedule for which the allocation is needed; and

(e) Any other such information required by the agency, including information which corresponds to the allocation criteria of RCW 39.86.130.

(3) The agency may approve or deny an allocation for all or a portion of the issuer's request. Any denied request, however, shall remain on file with the agency for the remainder of the calendar year and shall be considered for receiving any allocation, reallocation, or carryforward of unused portions of the state ceiling during that period.

(4) After receiving an allocation request, the agency shall mail to the requesting issuer a written certificate of approval or notice of denial for an allocation amount, by a date no later than the latest of the following:

(a) February 1st of the calendar year for which the request is made; or

(b) Fifteen days from the date the agency receives an allocation request((~~; or~~

~~(c) Fifteen days from the date the agency receives a recommendation by the board with regard to a small issue allocation request, should the board choose to review individual requests~~)).

(5)(a) For requests of the state ceiling of any calendar year, the following applies to all bond use categories except housing and student loans:

(i) Except for housing and student loans, any allocations granted prior to April 1st, for which bonds have not been issued by July 1st of the same calendar year, shall revert to the agency on July 1st of the same calendar year for reallocation unless an extension or carryforward is granted;

(ii) Except for housing and student loans, any allocations granted on or after April 1st, for which bonds have not been issued by October 15th of the same calendar year, shall revert to the agency on October 15th of the same calendar year for reallocation unless an extension or carryforward is granted.

(b) For each calendar year, any housing or student loan allocations, for which bonds have not been issued by December 15th of the same calendar year, shall revert to the agency on December 15th of the same calendar year for reallocation unless an extension or carryforward is granted.

(c) In any calendar year for which no allocation for student loan bonds has been granted by February 1st of that year, the entire initial allocation for student loans may be reallocated to housing on February 1st of the same calendar year.

(6) An extension of the deadlines provided by subsection (5) of this section may be granted by the agency for the approved allocation amount or a portion thereof, based on:

(a) Firm and convincing evidence that the bonds will be issued before the end of the calendar year if the extension is granted; and

(b) Any other criteria the agency deems appropriate.

(7) If an issuer determines that bonds subject to the state ceiling will not be issued for the project or program for which an allocation was granted, the issuer shall promptly notify the agency in writing so that the allocation may be canceled and the amount may be available for reallocation.

(8) Bonds subject to the state ceiling may be issued only to finance the project or program for which a certificate of approval is granted.

(9) Within three business days of the date that bonds for which an allocation of the state ceiling is granted have been delivered to the original purchasers, the issuer shall mail to the agency a written notification of the bond issuance. In accordance with chapter 39.44 RCW, the issuer shall also complete bond issuance information on the form provided by the agency.

(10) If the total amount of bonds issued under the authority of a state ceiling for a project or program is less than the amount allocated, the remaining portion of the allocation shall revert to the agency for reallocation in accordance with the criteria in RCW 39.86.130. If the amount of bonds actually issued under the authority of a state ceiling is greater than the amount allocated, the entire allocation shall be disallowed.

Sec. 3. RCW 39.86.190 and 2010 1st sp.s. c 6 s 11 are each amended to read as follows:

((~~By February 1st of each even-numbered year, the agency shall summarize for the legislature each previous year's bond allocation requests and issuance.~~)) Beginning in ((~~February 2010~~)) June 2018 and thereafter ((~~in February~~)) by June 30th of each even-numbered year, the agency shall ((~~also~~)) submit a biennial report to the legislature summarizing usage of the bond allocation proceeds and any policy concerns for future bond allocations.

Passed by the Senate February 11, 2016.
Passed by the House March 1, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 19

[Substitute Senate Bill 6354]

HIGHER EDUCATION--REVERSE ACADEMIC CREDIT TRANSFER PLANS

AN ACT Relating to developing higher education reverse transfer agreement plans; creating a new section; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) Each state university, regional university, and state college jointly with the state board for community and technical colleges shall develop plans for facilitating the reverse transfer of academic credits from an institution of higher education to a community or technical college. The plan must include the following:

(a) A policy allowing eligible students the opportunity to transfer credits back to a community or technical college to use towards completion of a two-year academic transfer degree; and

(b) Procedures for notifying eligible students of their eligibility for participation in the reverse transfer program.

(2) As used in this section, "eligible students" includes all transfer students who enroll as degree-seeking students at a four-year institution of higher education before attaining an associate degree, but after completing sixty quarter credits or more of transferable coursework at a Washington community or technical college.

(3) The state board for community and technical colleges and each four-year institution of higher education shall adopt plans consistent with subsection (1) of this section by December 31, 2017.

(4) This section expires July 1, 2018.

Passed by the Senate February 16, 2016.
Passed by the House March 2, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 20

[Senate Bill 6398]

CULTURAL FOODS--TIME-TEMPERATURE SAFETY STANDARDS

AN ACT Relating to cultural foods; amending RCW 43.20.145; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** (1) The legislature finds that Asian rice-based noodles and Korean rice cakes are cultural foods that possess different time-temperature safety standards from other foods sold for human consumption. The legislature finds that Asian rice-based noodles kept at room temperature are safe for consumption within four hours of the time that the product first comes out of

hot holding at temperatures at or above one hundred thirty-five degrees, or when the product has a pH of 4.6 or below, a water activity of 0.85 or below, or has been determined by the department to not be a potentially hazardous food based on formulation and supporting laboratory documentation submitted to the department of health by the manufacturer. Further, the legislature finds that Korean rice cakes are safe for consumption within one day of manufacture.

(2)(a) This act is intended to direct the state board of health to consider new standards for time-temperature requirements of Asian rice-based noodles and Korean rice cakes intended for human consumption. Further, this act is intended to direct the state board of health to consider laws enacted by other states regarding standards for time-temperature and manufacturer package labeling requirements of Asian rice-based noodles and Korean rice cakes.

(b) The legislature does not intend to create a private right of action or claim on the part of any individual, entity, or agency against the state board of health, any contractor of the state board of health, or the department of health.

Sec. 2. RCW 43.20.145 and 2003 c 65 s 2 are each amended to read as follows:

(1) The state board shall consider the most recent version of the United States food and drug administration's food code for the purpose of adopting rules for food service.

(2)(a) In considering the adoption of rules for food service, the state board shall consider scientific data regarding time-temperature safety standards for Asian rice-based noodles and Korean rice cakes.

(b) For the purposes of this subsection (2):

(i) "Asian rice-based noodles" means a rice-based pasta that contains rice powder, water, wheat starch, vegetable cooking oil, and optional ingredients to modify the pH or water activity, or to provide a preservative effect. The ingredients do not include products derived from animals. The rice-based pasta is prepared by using a traditional method that includes cooking by steaming at not less than one hundred thirty degrees Fahrenheit, for not less than four minutes.

(ii) "Korean rice cake" means a confection that contains rice powder, salt, sugar, various edible seeds, oil, dried beans, nuts, dried fruits, and dried pumpkin. The ingredients do not include products derived from animals. The confection is prepared by using a traditional method that includes cooking by steaming at not less than two hundred seventy-five degrees Fahrenheit, for not less than five minutes, nor more than fifteen minutes.

Passed by the Senate February 10, 2016.
Passed by the House March 1, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 21

[Senate Bill 6401]

SECONDARY COMMERCIAL FISH RECEIVERS--RECORD KEEPING--LOCATION

AN ACT Relating to recordkeeping requirements of secondary commercial fish receivers; and amending RCW 77.15.568.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 77.15.568 and 2009 c 333 s 19 are each amended to read as follows:

(1) A person is guilty of a secondary commercial fish receiver's failure to account for commercial harvest if:

(a) The person sells fish or shellfish at retail, stores or holds fish or shellfish for another in exchange for valuable consideration, ships fish or shellfish in exchange for valuable consideration, or brokers fish or shellfish in exchange for valuable consideration;

(b) The fish or shellfish were required to be entered on a Washington fish-receiving ticket or a Washington aquatic farm production annual report; and

(c) The person fails to maintain records of each receipt of fish or shellfish, as required under subsections (3) through (5) of this section, at:

(i) The location where the fish or shellfish are being sold((~~,~~)) or at the location where the fish or shellfish are being stored or held((~~,~~)); or ((~~at~~))

(ii) The principal place of business of the shipper or broker if the fish or shellfish are not in possession.

(2) This section applies to a wholesale fish dealer acting in the capacity of a broker. However, this section does not apply to a wholesale fish dealer acting in the capacity of a wholesale fish dealer, to a fisher selling under a direct retail sale endorsement, or to a registered aquatic farmer.

(3) Records of the receipt of fish or shellfish required to be kept under this section must be in the English language and be maintained for three years from the date fish or shellfish are received, shipped, or brokered.

(4) Records maintained by persons that retail or broker must include the following:

(a) The name, address, and phone number of the wholesale fish dealer, fisher selling under a direct retail sale endorsement, or aquatic farmer or shellstock shipper from whom the fish or shellfish were purchased or received;

(b) The Washington fish-receiving ticket number documenting original receipt or aquatic farm production quarterly report documenting production, if available;

(c) The date of purchase or receipt; and

(d) The amount and species of fish or shellfish purchased or received.

(5) Records maintained by persons that store, hold, or ship fish or shellfish for others must state the following:

(a) The name, address, and phone number of the person and business from whom the fish or shellfish were received;

(b) The date of receipt; and

(c) The amount and species of fish or shellfish received.

(6) A secondary commercial fish receiver's failure to account for commercial harvest is a misdemeanor.

Passed by the Senate February 12, 2016.

Passed by the House March 2, 2016.

Vetoed by the Governor March 10, 2016.

Filed in Office of Secretary of State March 30, 2016.

CHAPTER 22

[Substitute Senate Bill 6466]

STUDENTS WITH DISABILITIES--WORK GROUP

AN ACT Relating to student services for students with disabilities; creating new sections; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** It is the intent of the legislature to retain individualized provisions of core services and accommodations at different institutions of higher education for students with disabilities while providing services to disabled students faster and more efficiently. The elimination of redundancy and streamlining of data gathering and sharing among institutions of higher education will ensure that students receive the services they need with minimal burden to the student.

NEW SECTION. **Sec. 2.** (1) The council of presidents shall convene a work group to develop a plan for removing obstacles for students with disabilities. The work group shall include:

(a) Representatives from the state board for community and technical colleges; the state college, regional universities, and state universities, each as defined in RCW 28B.10.016; the student achievement council; and statewide student associations; and

(b) At least two students with disabilities selected by statewide student associations.

(2) The plan shall focus on removing obstacles for students with disabilities transferring between institutions of higher education, including but not limited to: Standardizing medical documentation requirements, standardizing intake and review procedures, and developing best practices for institutions to provide outreach to and help prepare students for transmitting accommodations information and documentation to their next institution of higher education.

(3) The council of presidents shall provide the plan developed in subsection (2) of this section to the higher education committees of the legislature no later than December 31, 2016.

(4) This section expires August 1, 2017.

Passed by the Senate February 16, 2016.
Passed by the House March 2, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 23

[Senate Bill 6491]

APOSTILLE SERVICES--SECRETARY OF STATE

AN ACT Relating to apostille or other signature or attestation services by the secretary of state; and adding a new section to chapter 43.07 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 43.07 RCW to read as follows:

(1) The secretary of state may attest to the authenticity of the signature of a public official in the state of Washington.

(2) The secretary of state may attest to the authenticity, or certify a signature of, a notary public except as noted in subsection (3) of this section.

(3) The secretary of state may not certify or attest to the signature of a notary public on a document:

(a) Regarding allegiance to a government or jurisdiction;

(b) Relating to the relinquishment or renunciation of citizenship, sovereignty, military status, or world service authority; or

(c) Setting forth or implying for the bearer a claim of immunity from the laws of the jurisdictions of Washington, immunity from the laws of the state of Washington, or immunity from federal law.

(4) The secretary of state may adopt rules to implement this section.

Passed by the Senate February 17, 2016.
Passed by the House March 2, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 24

[Substitute Senate Bill 6498]

ALCOHOL AND DRUG ADDICTION RECOVERY SPONSORS--TESTIMONIAL PRIVILEGE

AN ACT Relating to testimonial privileges for alcohol and drug addiction recovery sponsors; and amending RCW 5.60.060.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 5.60.060 and 2012 c 29 s 12 are each amended to read as follows:

(1) A spouse or domestic partner shall not be examined for or against his or her spouse or domestic partner, without the consent of the spouse or domestic partner; nor can either during marriage or during the domestic partnership or afterward, be without the consent of the other, examined as to any communication made by one to the other during the marriage or the domestic partnership. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse or domestic partner if the marriage or the domestic partnership occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said spouse or domestic partner against any child of whom said spouse or domestic partner is the parent or guardian, nor to a proceeding under chapter 70.96A, 70.96B, 71.05, or 71.09 RCW: PROVIDED, That the spouse or the domestic partner of a person sought to be detained under chapter 70.96A, 70.96B, 71.05, or 71.09 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2)(a) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(b) A parent or guardian of a minor child arrested on a criminal charge may not be examined as to a communication between the child and his or her attorney if the communication was made in the presence of the parent or guardian. This privilege does not extend to communications made prior to the arrest.

(3) A member of the clergy, a Christian Science practitioner listed in the Christian Science Journal, or a priest shall not, without the consent of a person making the confession or sacred confidence, be examined as to any confession or sacred confidence made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW 70.96A.140 or 71.05.360 (8) and (9), a physician or surgeon or osteopathic physician or surgeon or podiatric physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

(6)(a) A peer support group counselor shall not, without consent of the law enforcement officer or firefighter making the communication, be compelled to testify about any communication made to the counselor by the officer or firefighter while receiving counseling. The counselor must be designated as such by the sheriff, police chief, fire chief, or chief of the Washington state patrol, prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer or firefighter, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer or firefighter.

(b) For purposes of this section, "peer support group counselor" means a:

(i) Law enforcement officer, firefighter, civilian employee of a law enforcement agency, or civilian employee of a fire department, who has received training to provide emotional and moral support and counseling to an officer or firefighter who needs those services as a result of an incident in which the officer or firefighter was involved while acting in his or her official capacity; or

(ii) Nonemployee counselor who has been designated by the sheriff, police chief, fire chief, or chief of the Washington state patrol to provide emotional and moral support and counseling to an officer or firefighter who needs those services as a result of an incident in which the officer or firefighter was involved while acting in his or her official capacity.

(7) A sexual assault advocate may not, without the consent of the victim, be examined as to any communication made between the victim and the sexual assault advocate.

(a) For purposes of this section, "sexual assault advocate" means the employee or volunteer from a community sexual assault program or underserved populations provider, victim assistance unit, program, or association, that provides information, medical or legal advocacy, counseling, or support to victims of sexual assault, who is designated by the victim to accompany the victim to the hospital or other health care facility and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings.

(b) A sexual assault advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any sexual assault advocate participating in good faith in the disclosing of records and communications under this section shall have immunity from any liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this section, the good faith of the sexual assault advocate who disclosed the confidential communication shall be presumed.

(8) A domestic violence advocate may not, without the consent of the victim, be examined as to any communication between the victim and the domestic violence advocate.

(a) For purposes of this section, "domestic violence advocate" means an employee or supervised volunteer from a community-based domestic violence program or human services program that provides information, advocacy, counseling, crisis intervention, emergency shelter, or support to victims of domestic violence and who is not employed by, or under the direct supervision of, a law enforcement agency, a prosecutor's office, or the child protective services section of the department of social and health services as defined in RCW 26.44.020.

(b) A domestic violence advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. This section does not relieve a domestic violence advocate from the requirement to report or cause to be reported an incident under RCW 26.44.030(1) or to disclose relevant records relating to a child as required by RCW 26.44.030(((~~(12)~~))) (14). Any domestic violence advocate participating in good faith in the disclosing of communications under this subsection is immune from liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this subsection, the good faith of the domestic violence advocate who disclosed the confidential communication shall be presumed.

(9) A mental health counselor, independent clinical social worker, or marriage and family therapist licensed under chapter 18.225 RCW may not disclose, or be compelled to testify about, any information acquired from persons consulting the individual in a professional capacity when the information was necessary to enable the individual to render professional services to those persons except:

(a) With the written authorization of that person or, in the case of death or disability, the person's personal representative;

(b) If the person waives the privilege by bringing charges against the mental health counselor licensed under chapter 18.225 RCW;

(c) In response to a subpoena from the secretary of health. The secretary may subpoena only records related to a complaint or report under RCW 18.130.050;

(d) As required under chapter 26.44 or 74.34 RCW or RCW 71.05.360 (8) and (9); or

(e) To any individual if the mental health counselor, independent clinical social worker, or marriage and family therapist licensed under chapter 18.225 RCW reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the individual or any other individual; however, there is no obligation on the part of the provider to so disclose.

(10) An individual who acts as a sponsor providing guidance, emotional support, and counseling in an individualized manner to a person participating in an alcohol or drug addiction recovery fellowship may not testify in any civil action or proceeding about any communication made by the person participating in the addiction recovery fellowship to the individual who acts as a sponsor except with the written authorization of that person or, in the case of death or disability, the person's personal representative.

Passed by the Senate February 16, 2016.
Passed by the House March 2, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 25

[Substitute Senate Bill 6569]

PATIENT OUT-OF-POCKET COSTS--TASK FORCE

AN ACT Relating to the creation of a task force on patient out-of-pocket costs; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** An issue of vital significance in health care is the high out-of-pocket costs for patients, especially for those with the greatest needs. When patients have extreme out-of-pocket expenses for their medications, many are more likely to experience problems paying for their prescriptions or forgo them altogether because of the cost. Patients that must take multiple prescriptions have the greatest problems paying for them. A recent survey shows that forty-three percent of people in fair or poor health and thirty-eight percent of those taking four or more drugs a year say it is somewhat or very difficult to pay for their medications. Forty-three percent of those in fair or poor health and thirty-five percent of those taking four or more drugs say they did not fill a prescription or say they cut pills in half or skipped doses because of cost. The legislature acknowledges the role that some pharmaceutical companies play in helping certain patients with assistance in paying for their medications. These programs, however, do not provide relief from extraordinary out-of-pocket costs for all affected patients. The legislature recognizes many parties impact the

prices of prescriptions, including pharmaceutical manufacturers, pharmacy benefit managers, wholesalers, and health plan benefit designs, with specialty tiers and cost-sharing as a percent of the cost of prescriptions. It is therefore the intent of the legislature to create a task force with all parties to focus on fairness for patients and examine opportunities to address the high out-of-pocket costs for patients.

NEW SECTION. **Sec. 2.** (1) The task force on patient out-of-pocket costs is created. By July 1, 2016, the department of health shall convene the task force and coordinate task force meetings. The task force shall include representatives from all participants with a role in determining prescription drug costs and out-of-pocket costs for patients, such as, but not limited to the following: Patient groups, insurance carriers operating in Washington state, pharmaceutical companies, prescribers, pharmacists, pharmacy benefit managers, hospitals, the office of the insurance commissioner, the health care authority and other purchasers, the office of financial management, unions, a Taft-Hartley trust, a business association, and biotechnology. Letters of interest from potential participants shall be submitted to the department of health, and the secretary, or his or her designee, shall invite representatives of interested groups to participate in the task force.

(2) The task force shall evaluate factors contributing to the out-of-pocket costs for patients, particularly in the first quarter of each year, including but not limited to: Prescription drug cost trends and plan benefit design. The task force shall consider patient treatment adherence and the impacts on chronic illness and acute disease, with consideration of the long-term outcomes and costs for the patient. The discussion must also consider the impact when patients cannot maintain access to their prescription drugs and the implications of adverse health impacts including the potential need for more expensive medical interventions or hospitalizations and the impact on the workforce with the loss of productivity. The discussion must also consider the impact of the factors on the affordability of health care coverage.

(3) The task force recommendations, or a summary of the discussions, must be provided to the appropriate committees of the legislature by December 1, 2016.

Passed by the Senate February 17, 2016.
Passed by the House March 2, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 26

[Engrossed Substitute Senate Bill 6606]
WHOLESALE VEHICLE DEALERS--OFFICES

AN ACT Relating to wholesale vehicle dealers; amending RCW 46.70.023; reenacting and amending RCW 46.70.011; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 46.70.011 and 2010 c 161 s 1130 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Auction" means a transaction conducted by means of exchanges between an auctioneer and the members of the audience, constituting a series of oral invitations for offers for the purchase of vehicles made by the auctioneer, offers to purchase by members of the audience, and the acceptance of the highest or most favorable offer to purchase.

(2) "Auction company" means a sole proprietorship, partnership, corporation, or other legal or commercial entity licensed under chapter 18.11 RCW that only sells or offers to sell vehicles at auction or only arranges or sponsors auctions.

(3) "Buyer's agent" means any person, firm, partnership, association, limited liability company, limited liability partnership, or corporation retained or employed by a consumer to arrange for or to negotiate, or both, the purchase or lease of a new motor vehicle on behalf of the consumer, and who is paid a fee or receives other compensation from the consumer for its services.

(4) "Department" means the department of licensing, which shall administer and enforce the provisions of this chapter.

(5) "Director" means the director of licensing.

(6) "Established place of business" means a location meeting the requirements of RCW 46.70.023(1) at which a vehicle dealer conducts business in this state.

(7) "Listing dealer" means a used mobile home dealer who makes contracts with sellers who will compensate the dealer for obtaining a willing purchaser for the seller's mobile home.

(8) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles in whole or in part and further includes the terms:

(a) "Distributor," which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch," which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and further includes any sales promotion organization, whether a person, firm, or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative," which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of their vehicles or for supervising or contracting with their dealers or prospective dealers.

(9) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under this title.

(10) "New motor vehicle" means any motor vehicle that is self-propelled and is required to be registered and titled under this title, has not been previously

titled to a retail purchaser or lessee, and is not a "used vehicle" as defined under RCW 46.04.660.

(11) "Principal place of business" means that dealer firm's business location in the state, which place the dealer designates as their principal place of business.

(12) "Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot.

(13) "Retail vehicle dealer" means a vehicle dealer who may buy and sell at both wholesale and retail.

(14) "Subagency" means any place of business of a vehicle dealer within the state, which place is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the state, at which place the firm does business using a name other than the principal name of the firm, or both.

(15) "Temporary subagency" means a location other than the principal place of business or subagency within the state where a licensed vehicle dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten days for a specific purpose such as auto shows, shopping center promotions, tent sales, exhibitions, or similar merchandising ventures. No more than six temporary subagency licenses may be issued to a licensee in any twelve-month period.

(16) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(17) "Vehicle dealer" means any person, firm, association, corporation, or trust, not excluded by subsection (18) of this section, engaged in the business of buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles, or arranging or offering or attempting to solicit or negotiate on behalf of others, a sale, purchase, or exchange of an interest in new or used motor vehicles, irrespective of whether the motor vehicles are owned by that person. Vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" is a vehicle dealer that deals in new or used motor vehicles, or both;

(b) A "mobile home and travel trailer dealer" is a vehicle dealer that deals in mobile homes, park trailers, or travel trailers, or more than one type of these vehicles;

(c) A "miscellaneous vehicle dealer" is a vehicle dealer that deals in motorcycles or vehicles other than motor vehicles or mobile homes and travel trailers or any combination of such vehicles;

(d) A "recreational vehicle dealer" is a vehicle dealer that deals in travel trailers, motor homes, truck campers, or camping trailers that are primarily designed and used as temporary living quarters, are either self-propelled or mounted on or drawn by another vehicle, are transient, are not occupied as a

primary residence, and are not immobilized or permanently affixed to a mobile home lot.

(18) "Vehicle dealer" does not include, nor do the licensing requirements of RCW 46.70.021 apply to, the following persons, firms, associations, or corporations:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of, any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which that person is the registered or legal owner, or both, thereof; or

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, subject to registration, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or an affiliated licensee, who, on behalf of another negotiates the purchase, sale, lease, or exchange of a manufactured or mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the manufactured or mobile home is, or will be, located; or

(g) Owners who are also operators of special highway construction equipment, as defined in RCW 46.04.551, or of the highway construction equipment for which a vehicle license and display vehicle license number plate is required; or

(h) Any bank, trust company, savings bank, mutual savings bank, savings and loan association, credit union, and any parent, subsidiary, or affiliate thereof, authorized to do business in this state under state or federal law with respect to the sale or other disposition of a motor vehicle owned and used in their business; or with respect to the acquisition and sale or other disposition of a motor vehicle in which the entity has acquired an interest as a lessor, lessee, or secured party; or

(i) Any person who is regularly engaged in the business of acquiring leases or installment contracts by assignment, with respect to the acquisition and sale or other disposition of a motor vehicle in which the person has acquired an interest as a result of the business.

(19) "Vehicle salesperson" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(20) "Wholesale vehicle dealer" means a vehicle dealer who buys ((~~and sells other than at retail~~)) vehicles from or sells vehicles to other Washington licensed vehicle dealers.

Sec. 2. RCW 46.70.023 and 1997 c 432 s 1 are each amended to read as follows:

(1) An "established place of business" requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. The business of a vehicle dealer must be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. A vehicle dealer may display a vehicle for sale only at its established place of business,

licensed subagency, or temporary subagency site, except at auction. The dealer shall keep the building open to the public so that the public may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. A room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house may not be considered an "established place of business" unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law. A statewide trade association representing manufactured housing dealers shall be permitted to use a manufactured home as an office if the office complies with all other applicable building code, zoning, and other land-use regulatory ordinances. This subsection does not apply to auction companies that do not own vehicle inventory or sell vehicles from an auction yard.

(2) An auction company shall have office facilities within the state. The books, records, and files necessary to conduct the business shall be maintained at the office facilities. All storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. An auction company shall maintain a telecommunications system.

(3) Auction companies shall post their vehicle dealer license at each auction where vehicles are offered, and shall provide the department with the address of the auction at least three days before the auction.

(4) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency: PROVIDED, That the department may grant an exception to the subagency requirement in the specific instance where a licensed dealer is unable to locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the administrative procedure act.

(5) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

(6) A subagency shall comply with all requirements of an established place of business, except that subagency records may be kept at the principal place of business designated by the dealer. Auction companies shall comply with the requirements in subsection (2) of this section.

(7) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency. Auction companies are not required to obtain a temporary subagency license.

(8) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, with no more than two other wholesale or retail vehicle dealers in the same building, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

(9) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

(10) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

(11) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

(12) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity.

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

Passed by the Senate February 16, 2016.
Passed by the House March 2, 2016.
Vetoed by the Governor March 10, 2016.
Filed in Office of Secretary of State March 30, 2016.

CHAPTER 27

[Senate Bill 6633]

MARINE RESOURCES ADVISORY COUNCIL--EXPIRATION

AN ACT Relating to the marine resources advisory council; amending RCW 43.06.338; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.06.338 and 2013 c 318 s 4 are each amended to read as follows:

(1) The Washington marine resources advisory council is created within the office of the governor.

(2) The Washington marine resources advisory council is composed of:

(a) The governor, or the governor's designee, who shall serve as the chair of the council;

(b) The commissioner of public lands, or the commissioner's designee;

(c) Two members of the senate, appointed by the president of the senate, one from each of the two largest caucuses in the senate;

(d) Two members of the house of representatives, appointed by the speaker of the house of representatives, one from each of the two largest caucuses in the house of representatives;

(e) One representative of federally recognized Indian tribes with reservations lying within or partially within counties bordering the outer coast, if selected by action of all of the governing bodies of all federally recognized Indian tribes in such an area;

(f) One representative of federally recognized Indian tribes with reservations lying within or partially within counties bordering Puget Sound, if selected by action of all of the governing bodies of all federally recognized Indian tribes in such an area;

(g) One representative of each of the following sectors, appointed by the governor:

(i) Commercial fishing;

(ii) Recreational fishing;

(iii) Marine recreation and tourism, other than fishing;

(iv) Coastal shellfish growers;

(v) Puget Sound shellfish growers;

(vi) Marine businesses; and

(vii) Conservation organizations;

(h) The chair of the Washington state conservation commission, or the chair's designee;

(i) One representative appointed by the largest statewide general agricultural association;

(j) One representative appointed by the largest statewide business association;

(k) The chair of the Washington coastal marine advisory council;

(l) The chair of the leadership council of the Puget Sound partnership;

(m) The director of the department of ecology;

(n) The director of the department of fish and wildlife; and

(o) The chair of the Northwest Straits commission.

(3) The governor shall invite the participation of the following entities as nonvoting members:

(a) The national oceanic and atmospheric administration; and

(b) Academic institutions conducting scientific research on ocean acidification.

(4) The governor shall make the appointments of the members under subsection (2)(g) of this section by September 1, 2013.

(5) Any member appointed by the governor may be removed by the governor for cause.

(6) A majority of the voting members of the Washington marine resources advisory council constitute a quorum for the transaction of business.

(7) The chair of the Washington marine resources advisory council shall schedule meetings and establish the agenda. The first meeting of the council must be scheduled by November 1, 2013. The council shall meet at least twice per calendar year. At each meeting the council shall afford an opportunity to the public to comment upon agenda items and other matters relating to the protection and conservation of the state's ocean resources.

(8) The Washington marine resources advisory council shall have the following powers and duties:

(a) To maintain a sustainable coordinated focus, including the involvement of and the collaboration among all levels of government and nongovernmental entities, the private sector, and citizens by increasing the state's ability to work to address impacts of ocean acidification;

(b) To advise and work with the University of Washington and others to conduct ongoing technical analysis on the effects and sources of ocean acidification. The recommendations must identify a range of actions necessary to implement the recommendations and take into consideration the differences between instate impacts and sources and out-of-state impacts and sources;

(c) To deliver recommendations to the governor and appropriate committees in the Washington state senate and house of representatives that must include, as necessary, any minority reports requested by a councilmember;

(d) To seek public and private funding resources necessary, and the commitment of other resources, for ongoing technical analysis to support the council's recommendations; and

(e) To assist in conducting public education activities regarding the impacts of and contributions to ocean acidification and regarding implementation strategies to support the actions adopted by the legislature.

(9) This section expires June 30, ((~~2017~~)) 2022.

Passed by the Senate February 17, 2016.
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CHAPTER 28

[Substitute Senate Bill 6531]

COMMUNITY CUSTODY--DEPARTMENT OF CORRECTIONS SUPERVISION

AN ACT Relating to changing who the department of corrections is required to supervise based on the current offense as defined in RCW 9.94A.501(4)(e)(ii) and the maximum duration of community custody as defined in RCW 9.94A.501(8); and reenacting and amending RCW 9.94A.501.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 9.94A.501 and 2015 c 290 s 1 and 2015 c 134 s 1 are each reenacted and amended to read as follows:

(1) The department shall supervise the following offenders who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) Offenders convicted of:

(i) Sexual misconduct with a minor second degree;

(ii) Custodial sexual misconduct second degree;

(iii) Communication with a minor for immoral purposes; and

(iv) Violation of RCW 9A.44.132(2) (failure to register); and

(b) Offenders who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been ((~~plead [pleaded]~~)) pleaded and proven after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been ((~~plead [pleaded]~~)) pleaded and proven after August 1, 2011.

(2) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e)(i) Has a current conviction for a domestic violence felony offense where domestic violence has been ((~~plead [pleaded]~~)) pleaded and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence was ((~~plead [pleaded]~~)) pleaded and proven after August 1, 2011. This subsection (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

(ii) Has a current conviction for a domestic violence felony offense where domestic violence was ((~~plead [pleaded]~~)) pleaded and proven ((~~and that was committed after July 24, 2015~~)). The state and its officers, agents, and employees shall not be held criminally or civilly liable for its supervision of an offender under this subsection (4)(e)(ii) unless the state and its officers, agents, and employees acted with gross negligence;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, or 9.94A.670;

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

(5) The department shall supervise any offender who is released by the indeterminate sentence review board and who was sentenced to community custody or subject to community custody under the terms of release.

(6) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under this section or RCW 9.94A.5011.

(7) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section or RCW 9.94A.5011.

(8) The period of time the department is authorized to supervise an offender under this section may not exceed the duration of community custody specified under RCW 9.94B.050, 9.94A.701 (1) through (8), or 9.94A.702, except in cases where the court has imposed an exceptional term of community custody under RCW 9.94A.535.

Passed by the Senate March 28, 2016.
Passed by the House March 29, 2016.
Approved by the Governor April 14, 2016.
Filed in Office of Secretary of State April 14, 2016.

CHAPTER 29

[Engrossed Third Substitute House Bill 1713]

MENTAL HEALTH AND CHEMICAL DEPENDENCY--TREATMENT SYSTEMS--INTEGRATION

AN ACT Relating to integrating the treatment systems for mental health and chemical dependency; amending RCW 70.96A.140, 70.96A.145, 70.96A.230, 71.05.010, 71.05.025, 71.05.026, 71.05.050, 71.05.120, 71.05.132, 71.05.150, 71.05.150, 71.05.153, 71.05.153, 71.05.154, 71.05.156, 71.05.157, 71.05.160, 71.05.170, 71.05.180, 71.05.190, 71.05.195, 71.05.201, 71.05.203, 71.05.210, 71.05.212, 71.05.214, 71.05.215, 71.05.220, 71.05.230, 71.05.235, 71.05.240, 71.05.240, 71.05.280, 71.05.290, 71.05.300, 71.05.320, 71.05.320, 71.05.325, 71.05.340, 71.05.585, 71.05.590, 71.05.590, 71.05.360, 71.05.380, 71.05.435, 71.05.530, 71.05.560, 71.05.620, 71.05.700, 71.05.705, 71.05.745, 71.05.750, 71.34.020, 71.34.305, 71.34.375, 71.34.385, 71.34.400, 71.34.410, 71.34.420, 71.34.500, 71.34.520, 71.34.600, 71.34.630, 71.34.650, 71.34.660, 71.34.700, 71.34.700, 71.34.710, 71.34.710, 71.34.720, 71.34.720, 71.34.740, 71.34.740, 71.34.750, 71.34.750, 71.34.760, 71.34.780, 71.34.780, 9.41.098, 4.24.558, 5.60.060, 9.41.280, 9.95.143, 10.77.010, 10.77.025, 10.77.027, 10.77.060, 10.77.065, 10.77.084, 10.77.088, 11.92.190, 43.185C.255, 18.83.110, 43.20A.025, 70.48.475, 70.97.010, 71.05.660, 71.24.045, 71.24.330, 71.32.080, 71.32.140, 71.32.150, 72.09.315, 72.09.370, 43.185C.305, 74.50.070, 71.24.025, 71.24.035, 70.96A.050, 71.24.037, 70.96A.090, 71.24.385, 70.96A.035, 70.96C.010, 70.96A.037, 70.96A.047, 70.96A.055, 70.96A.087, 70.96A.170, 70.96A.400, 70.96A.800, 70.96A.905, 71.24.300, 71.24.350, 9.94A.660, 10.05.020, 10.05.030, 10.05.150, 70.96C.020, 46.61.5055, 46.61.5056, and 82.04.4277; reenacting and amending RCW 70.96A.020, 71.05.020, 71.05.210, 71.34.730, 70.02.010, 70.02.230, 71.24.025, and 70.96A.350; adding new sections to chapter 71.05 RCW; adding new sections to chapter 71.24 RCW; adding a new section to chapter 72.09 RCW; creating new sections; recodifying RCW 70.96A.035, 70.96A.037, 70.96A.040, 70.96A.043, 70.96A.047, 70.96A.050, 70.96A.055, 70.96A.080, 70.96A.085, 70.96A.087, 70.96A.090, 70.96A.100, 70.96A.170, 70.96A.190, 70.96A.350, 70.96A.400, 70.96A.410, 70.96A.420, 70.96A.430, 70.96A.500, 70.96A.510, 70.96A.520, 70.96A.800, 70.96A.905, 70.96C.010, and 70.96C.020; decodifying RCW 43.135.03901; repealing RCW 70.96A.011, 70.96A.020, 70.96A.095, 70.96A.096, 70.96A.097, 70.96A.110, 70.96A.120, 70.96A.140, 70.96A.141, 70.96A.142, 70.96A.145, 70.96A.148, 70.96A.155, 70.96A.157, 70.96A.160, 70.96A.180, 70.96A.230, 70.96A.235, 70.96A.240, 70.96A.245, 70.96A.250, 70.96A.255, 70.96A.260, 70.96A.265, 70.96A.910, 70.96A.915, 70.96A.920, 70.96A.930, 70.96B.010, 70.96B.020, 70.96B.030, 70.96B.040, 70.96B.045,

70.96B.050, 70.96B.060, 70.96B.070, 70.96B.080, 70.96B.090, 70.96B.100, 70.96B.110, 70.96B.120, 70.96B.130, 70.96B.140, 70.96B.150, 70.96B.800, 71.05.032, 70.96A.010, 70.96A.030, 70.96A.045, 70.96A.060, 70.96A.150, 70.96A.300, 70.96A.310, 70.96A.320, and 70.96A.325; providing effective dates; providing expiration dates; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

PART I

CHEMICAL DEPENDENCY INVOLUNTARY TREATMENT PROVISIONS

Sec. 101. RCW 70.96A.020 and 2014 c 225 s 20 are each reenacted and amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(2) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

(3) "Behavioral health organization" means a county authority or group of county authorities or other entity recognized by the secretary in contract in a defined regional service area.

(4) "Behavioral health program" has the same meaning as in RCW 71.24.025.

(5) "Behavioral health services" means mental health services as described in chapters 71.24 and 71.36 RCW and chemical dependency treatment services as described in this chapter.

((~~(5)~~)) (6) "Chemical dependency" means: (a) Alcoholism; (b) drug addiction; or (c) dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

((~~(6) "Chemical dependency program" means expenditures and activities of the department designed and conducted to prevent or treat alcoholism and other drug addiction, including reasonable administration and overhead.~~))

(7) "Department" means the department of social and health services.

(8) "Designated chemical dependency specialist" or "specialist" means a person designated by the behavioral health organization or by the county ((~~alcoholism and other drug addiction~~)) substance use disorder treatment program coordinator designated ((~~under RCW 70.96A.310~~)) by the behavioral health organization to perform the commitment duties described in RCW 70.96A.140 and qualified to do so by meeting standards adopted by the department.

(9) ((~~"Director" means the person administering the substance use disorder program within the department.~~

(~~10~~))) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both,

if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(((~~(11) "Emergency service patrol" means a patrol established under RCW 70.96A.170.~~

~~(12)~~))) (10) "Gravely disabled by alcohol or other psychoactive chemicals" or "gravely disabled" means that a person, as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving care as essential for his or her health or safety.

(((~~(13)~~))) (11) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, or a long-term alcoholism or drug treatment facility, or in confinement.

(((~~(14)~~))) (12) "Incapacitated by alcohol or other psychoactive chemicals" means that a person, as a result of the use of alcohol or other psychoactive chemicals, is gravely disabled or presents a likelihood of serious harm to himself or herself, to any other person, or to property.

(((~~(15)~~))) (13) "Incompetent person" means a person who has been adjudged incompetent by the superior court.

(((~~(16)~~))) (14) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(((~~(17)~~))) (15) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(((~~(18)~~))) (16) "Likelihood of serious harm" means:

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

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

(((~~(19)~~))) (17) "Medical necessity" for inpatient care of a minor means a requested certified inpatient service that is reasonably calculated to: (a) Diagnose, arrest, or alleviate a chemical dependency; or (b) prevent the progression of substance use disorders that endanger life or cause suffering and pain, or result in illness or infirmity or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(((~~(20)~~))) (18) "Minor" means a person less than eighteen years of age.

(((~~(21)~~))) (19) "Parent" means the parent or parents who have the legal right to custody of the child. Parent includes custodian or guardian.

(((~~(22)~~))) (20) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace

officer powers by any state law, local ordinance, or judicial order of appointment.

(((~~(23)~~))) (21) "Person" means an individual, including a minor.

(((~~(24)~~))) (22) "Professional person in charge" or "professional person" means a physician or chemical dependency counselor as defined in rule by the department, who is empowered by a certified treatment program with authority to make assessment, admission, continuing care, and discharge decisions on behalf of the certified program.

(((~~(25)~~))) (23) "Secretary" means the secretary of the department of social and health services.

(((~~(26)~~))) (24) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(((~~(27)~~))) (25) "Treatment" means the broad range of emergency, withdrawal management, residential, and outpatient services and care, including diagnostic evaluation, ((~~chemical dependency~~)) substance use disorder education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons.

(((~~(28)~~))) (26) "Substance use disorder treatment program" means an organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of persons with substance use ((~~disorder[s]~~)) disorders.

(((~~(29)~~))) (27) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

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

(29) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(30) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW.

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

Sec. 102. RCW 70.96A.140 and 2014 c 225 s 29 are each amended to read as follows:

(1)(a) When a designated chemical dependency specialist receives information alleging that a person presents a likelihood of serious harm or is gravely disabled as a result of chemical dependency, the designated chemical dependency specialist, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a

petition for commitment of such person with the superior court, district court, or in another court permitted by court rule.

If a petition for commitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the designated chemical dependency specialist's report.

If the designated chemical dependency specialist finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to either a designated mental health professional or an evaluation and treatment facility as defined in RCW 71.05.020 or 71.34.020.

(b) If placement in a chemical dependency program is available and deemed appropriate, the petition shall allege that: The person is chemically dependent and presents a likelihood of serious harm or is gravely disabled by alcohol or drug addiction, or that the person has twice before in the preceding twelve months been admitted for withdrawal management, sobering services, or chemical dependency treatment pursuant to RCW 70.96A.110 or 70.96A.120, and is in need of a more sustained treatment program, or that the person is chemically dependent and has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment. ((~~The petition shall be accompanied by a certificate of a licensed physician who has examined the person within five days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning program or the department is eligible to be the certifying physician.~~))

(c) If involuntary detention is sought, the petition must state facts that support a finding of the grounds identified in (b) of this subsection and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition must state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition must state facts that support a finding of the grounds for commitment identified in (b) of this subsection and set forth the proposed less restrictive alternative.

(d)(i) The petition must be signed by:

(A) Two physicians;

(B) One physician and a mental health professional;

(C) One physician assistant and a mental health professional; or

(D) One psychiatric advanced registered nurse practitioner and a mental health professional.

(ii) The persons signing the petition must have examined the person.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained in a program, pursuant

to RCW 70.96A.120, 71.05.210, or 71.34.710, in which case the hearing shall be held within seventy-two hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the designated chemical dependency specialist on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony((,)) including, if possible, the testimony, which may be telephonic, of at least one licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, or mental health professional who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person is chemically dependent shall be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, or mental health professional, he or she shall be given an opportunity to be examined by a court appointed licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, or other professional person qualified to provide such services. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4)(a) If, after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by ((~~clear, cogent, and convincing proof~~)) a preponderance of the evidence and, after considering less restrictive alternatives

to involuntary detention and treatment, finds that no such alternatives are in the best interest of the person or others, it shall make an order of commitment to an approved substance use disorder treatment program. It shall not order commitment of a person unless it determines that an approved substance use disorder treatment program is available and able to provide adequate and appropriate treatment for him or her.

(b) If the court finds that the grounds for commitment have been established by a preponderance of the evidence, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive course of treatment. The less restrictive order may impose treatment conditions and other conditions that are in the best interest of the respondent and others. A copy of the less restrictive order must be given to the respondent, the designated chemical dependency specialist, and any program designated to provide less restrictive treatment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. The court may not order commitment of a person to a less restrictive course of treatment unless it determines that an approved substance use disorder treatment program is available and able to provide adequate and appropriate treatment for him or her.

(5) A person committed to inpatient treatment under this section shall remain in the program for treatment for a period of ((~~sixty~~)) fourteen days unless sooner discharged. A person committed to a less restrictive course of treatment under this section shall remain in the program of treatment for a period of ninety days unless sooner discharged. At the end of the ((~~sixty~~)) fourteen-day period, or ninety-day period in the case of a less restrictive alternative to inpatient treatment, he or she shall be discharged automatically unless the program or the designated chemical dependency specialist, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days of inpatient treatment or ninety days of less restrictive alternative treatment unless sooner discharged. The petition for ninety-day inpatient or less restrictive alternative treatment must be filed with the clerk of the court at least three days before expiration of the fourteen-day period of intensive treatment.

If a petition for recommitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the treatment progress report.

If a person has been committed because he or she is chemically dependent and likely to inflict physical harm on another, the program or designated chemical dependency specialist shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) Upon the filing of a petition for recommitment under subsection (5) of this section, the court shall fix a date for hearing no less than two and no more than seven days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the

treatment program on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsections (3) and (4) of this section, except that the burden of proof upon a hearing for recommitment must be proof by clear, cogent, and convincing evidence.

(7) The approved substance use disorder treatment program shall provide for adequate and appropriate treatment of a person committed to its custody on an inpatient or outpatient basis. A person committed under this section may be transferred from one approved public treatment program to another if transfer is medically advisable.

(8) A person committed to ((~~the custody of~~)) a program for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of a chemically dependent person committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of a chemically dependent person committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

(9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician ((~~of his or her choice~~)), psychiatric advanced registered nurse practitioner, physician assistant, or other professional person of his or her choice who is qualified to provide such services. If the person is unable to obtain a ((~~licensed physician~~)) qualified person and requests an examination ((~~by a physician~~)), the court shall employ a licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, or other professional person to conduct an examination and testify on behalf of the person.

(10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the program providing involuntary inpatient treatment under this chapter, the

committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated chemical dependency specialist of original commitment, and the court of original commitment. The program designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of the patient. If the program providing less restrictive care and the designated chemical dependency specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated chemical dependency specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated chemical dependency specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive program. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions. The grounds and procedures for revocation of less restrictive alternative treatment ordered by the court must be the same as those set forth in this section for less restrictive care arranged by an approved substance use disorder treatment program as a condition for early release.

Sec. 103. RCW 70.96A.145 and 1993 c 137 s 1 are each amended to read as follows:

The prosecuting attorney of the county in which such action is taken ((~~may, at the discretion of the prosecuting attorney,~~)) shall represent the designated chemical dependency specialist or treatment program in judicial proceedings under RCW 70.96A.140 for the involuntary commitment or recommitment of an individual, including any judicial proceeding where the individual sought to be committed or recommitted challenges the action. The costs of mandated representation shall be reimbursed by the behavioral health organization or full integration region.

Sec. 104. RCW 70.96A.230 and 1998 c 296 s 24 are each amended to read as follows:

Any provider of outpatient treatment who provides outpatient treatment to a minor thirteen years of age or older shall provide notice of the minor's request for treatment to the minor's parents if: (1) The minor signs a written consent authorizing the disclosure; or (2) the treatment program director determines that the minor lacks capacity to make a rational choice regarding consenting to disclosure. ((~~The~~)) A provider of outpatient treatment may, at his or her discretion, provide notice of a minor's request for treatment to the minor's parents if the provider determines that notice is in the best interest of the minor in achieving recovery. Any notice under this section shall be made within seven days of the request for treatment, excluding Saturdays, Sundays, and holidays, and shall contain the name, location, and telephone number of the facility providing treatment, and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for treatment with the parent.

PART II
INTEGRATED SYSTEM

NEW SECTION. **Sec. 201.** A new section is added to chapter 71.05 RCW to read as follows:

(1)(a) By April 1, 2018, the department, by rule, must combine the functions of a designated mental health professional and designated chemical dependency specialist by establishing a designated crisis responder who is authorized to conduct investigations, detain persons up to seventy-two hours to the proper facility, and carry out the other functions identified in this chapter and chapter 71.34 RCW. The behavioral health organizations shall provide training to the designated crisis responders as required by the department.

(b)(i) To qualify as a designated crisis responder, a person must have received chemical dependency training as determined by the department and be a:

(A) Psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker;

(B) Person with a master's degree or further advanced degree in counseling or one of the social sciences from an accredited college or university and who have, in addition, at least two years of experience in direct treatment of persons with mental illness or emotional disturbance, such experience gained under the direction of a mental health professional;

(C) Person who meets the waiver criteria of RCW 71.24.260, which waiver was granted before 1986;

(D) Person who had an approved waiver to perform the duties of a mental health professional that was requested by the regional support network and granted by the department before July 1, 2001; or

(E) Person who has been granted an exception of the minimum requirements of a mental health professional by the department consistent with rules adopted by the secretary.

(ii) Training must include chemical dependency training specific to the duties of a designated crisis responder, including diagnosis of substance abuse and dependence and assessment of risk associated with substance use.

(c) The department must develop a transition process for any person who has been designated as a designated mental health professional or a designated chemical dependency specialist before April 1, 2018, to be converted to a

designated crisis responder. The behavioral health organizations shall provide training, as required by the department, to persons converting to designated crisis responders, which must include both mental health and chemical dependency training applicable to the designated crisis responder role.

(2)(a) The department must ensure that at least one sixteen-bed secure detoxification facility is operational by April 1, 2018, and that at least two sixteen-bed secure detoxification facilities are operational by April 1, 2019.

(b) If, at any time during the implementation of secure detoxification facility capacity, federal funding becomes unavailable for federal match for services provided in secure detoxification facilities, then the department must cease any expansion of secure detoxification facilities until further direction is provided by the legislature.

NEW SECTION. **Sec. 202.** A new section is added to chapter 71.05 RCW to read as follows:

(1) The Washington state institute for public policy shall evaluate the effect of the integration of the involuntary treatment systems for substance use disorders and mental health and make preliminary reports to appropriate committees of the legislature by December 1, 2020, and June 30, 2021, and a final report by June 30, 2023.

(2) The evaluation must include an assessment of whether the integrated system:

(a) Has increased efficiency of evaluation and treatment of persons involuntarily detained for substance use disorders;

(b) Is cost-effective, including impacts on health care, housing, employment, and criminal justice costs;

(c) Results in better outcomes for persons involuntarily detained;

(d) Increases the effectiveness of the crisis response system statewide;

(e) Has an impact on commitments based upon mental disorders;

(f) Has been sufficiently resourced with enough involuntary treatment beds, less restrictive alternative treatment options, and state funds to provide timely and appropriate treatment for all individuals interacting with the integrated involuntary treatment system; and

(g) Has diverted from the mental health involuntary treatment system a significant number of individuals whose risk results from substance abuse, including an estimate of the net savings from serving these clients into the appropriate substance abuse treatment system.

(3) This section expires August 1, 2023.

Sec. 203. RCW 71.05.010 and 2015 c 269 s 1 are each amended to read as follows:

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

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

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

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

(d) To safeguard individual rights;

(e) To provide continuity of care for persons with serious mental disorders and substance use disorders;

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

(g) To encourage, whenever appropriate, that services be provided within the community.

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

Sec. 204. RCW 71.05.020 and 2015 c 269 s 14 and 2015 c 250 s 2 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

~~(12)~~)) (10) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(((~~(13)~~))) (11) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(((~~(14)~~))) (12) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(((~~(15)~~))) (13) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(((~~(16)~~))) (14) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. The department may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(((~~(17)~~))) (15) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(((~~(18)~~))) (16) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(((~~(19)~~))) (17) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction;

(((~~(20)~~))) (18) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(((~~(21)~~))) (19) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

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

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

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

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

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

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

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

(((~~(22)~~))) (20) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(((~~(23)~~))) (21) "In need of assisted outpatient mental health treatment" means that a person, as a result of a mental disorder: (a) Has been committed by a court to detention for involuntary mental health treatment at least twice during the preceding thirty-six months, or, if the person is currently committed for involuntary mental health treatment, the person has been committed to detention for involuntary mental health treatment at least once during the thirty-six months preceding the date of initial detention of the current commitment cycle; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, in view of the person's treatment history or current behavior; (c) is unlikely to survive safely in the community without supervision; (d) is likely to benefit from less restrictive alternative treatment; and (e) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time. For purposes of (a) of this subsection, time spent in a mental health facility or in confinement as a result of a criminal conviction is excluded from the thirty-six month calculation;

(((~~(24)~~))) (22) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(((~~(25)~~))) (23) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health and substance use disorder service providers under RCW 71.05.130;

((~~(26)~~)) (24) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

((~~(27)~~)) (25) "Likelihood of serious harm" means:

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

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

((~~(28)~~)) (26) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated ((~~mental health professional~~)) crisis responder;

((~~(29)~~)) (27) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

((~~(30)~~)) (28) "Mental health professional" means a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

((~~(31)~~)) (29) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or ((~~community mental~~)) behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure detoxification facilities as defined in this section, and correctional facilities operated by state and local governments;

((~~(32)~~)) (30) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

((~~(33)~~)) (31) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons ((~~who are mentally ill~~)) with mental illness, substance use disorders, or both mental illness and substance use disorders;

(((~~(34)~~))) (32) "Professional person" means a mental health professional or designated crisis responder and shall also mean a physician, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(((~~(35)~~))) (33) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(((~~(36)~~))) (34) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(((~~(37)~~))) (35) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(((~~(38)~~))) (36) "Public agency" means any evaluation and treatment facility or institution, secure detoxification facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders, if the agency is operated directly by(~~(,)~~)) federal, state, county, or municipal government, or a combination of such governments;

(((~~(39)~~))) (37) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness or substance use disorders;

(((~~(40)~~))) (38) "Release" means legal termination of the commitment under the provisions of this chapter;

(((~~(41)~~))) (39) "Resource management services" has the meaning given in chapter 71.24 RCW;

(((~~(42)~~))) (40) "Secretary" means the secretary of the department of social and health services, or his or her designee;

(((~~(43)~~))) (41) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(((~~(44)~~))) (42) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(((~~(45)~~))) (43) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(((~~(46)~~))) (44) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not

limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others;

(((~~(47)~~))) (45) "Triage facility" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(((~~(48)~~))) (46) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property;

(47) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(48) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(49) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more psychoactive chemicals, as the context requires;

(50) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW;

(51) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(52) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(53) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(54) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that:

(a) Provides for intoxicated persons:

(i) Evaluation and assessment, provided by certified chemical dependency professionals;

(ii) Acute or subacute detoxification services; and

(iii) Discharge assistance provided by certified chemical dependency professionals, including facilitating transitions to appropriate voluntary or

involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Includes security measures sufficient to protect the patients, staff, and community; and

(c) Is certified as such by the department;

(55) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

Sec. 205. RCW 71.05.025 and 2014 c 225 s 80 are each amended to read as follows:

The legislature intends that the procedures and services authorized in this chapter be integrated with those in chapter 71.24 RCW to the maximum extent necessary to assure a continuum of care to persons with mental illness or who have mental disorders or substance use disorders, as defined in either or both this chapter and chapter 71.24 RCW. To this end, behavioral health organizations established in accordance with chapter 71.24 RCW shall institute procedures which require timely consultation with resource management services by designated ((~~mental health professionals and~~)) crisis responders, evaluation and treatment facilities, secure detoxification facilities, and approved substance use disorder treatment programs to assure that determinations to admit, detain, commit, treat, discharge, or release persons with mental disorders or substance use disorders under this chapter are made only after appropriate information regarding such person's treatment history and current treatment plan has been sought from resource management services.

Sec. 206. RCW 71.05.026 and 2014 c 225 s 81 are each amended to read as follows:

(1) Except for monetary damage claims which have been reduced to final judgment by a superior court, this section applies to all claims against the state, state agencies, state officials, or state employees that exist on or arise after March 29, 2006.

(2) Except as expressly provided in contracts entered into between the department and the behavioral health organizations after March 29, 2006, the entities identified in subsection (3) of this section shall have no claim for declaratory relief, injunctive relief, judicial review under chapter 34.05 RCW, or civil liability against the state or state agencies for actions or inactions performed pursuant to the administration of this chapter with regard to the following: (a) The allocation or payment of federal or state funds; (b) the use or allocation of state hospital beds; or (c) financial responsibility for the provision of inpatient mental health care or inpatient substance use disorder treatment.

(3) This section applies to counties, behavioral health organizations, and entities which contract to provide behavioral health organization services and their subcontractors, agents, or employees.

Sec. 207. RCW 71.05.050 and 2015 c 269 s 5 are each amended to read as follows:

(1) Nothing in this chapter shall be construed to limit the right of any person to apply voluntarily to any public or private agency or practitioner for treatment

of a mental disorder or substance use disorder, either by direct application or by referral. Any person voluntarily admitted for inpatient treatment to any public or private agency shall be released immediately upon his or her request. Any person voluntarily admitted for inpatient treatment to any public or private agency shall orally be advised of the right to immediate discharge, and further advised of such rights in writing as are secured to them pursuant to this chapter and their rights of access to attorneys, courts, and other legal redress. Their condition and status shall be reviewed at least once each one hundred eighty days for evaluation as to the need for further treatment or possible discharge, at which time they shall again be advised of their right to discharge upon request.

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

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

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

Sec. 208. RCW 71.05.120 and 2000 c 94 s 4 are each amended to read as follows:

(1) No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor any ((~~county~~)) designated ((~~mental health professional~~)) crisis responder, nor the state, a unit of local government, ((~~or~~)) an

evaluation and treatment facility, a secure detoxification facility, or an approved substance use disorder treatment program shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to admit, discharge, release, administer antipsychotic medications, or detain a person for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

(2) This section does not relieve a person from giving the required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the duty to warn or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel.

Sec. 209. RCW 71.05.132 and 2004 c 166 s 12 are each amended to read as follows:

When any court orders a person to receive treatment under this chapter, the order shall include a statement that if the person is, or becomes, subject to supervision by the department of corrections, the person must notify the treatment provider and the person's mental health treatment information and substance use disorder treatment information must be shared with the department of corrections for the duration of the offender's incarceration and supervision, under RCW 71.05.445. Upon a petition by a person who does not have a history of one or more violent acts, the court may, for good cause, find that public safety would not be enhanced by the sharing of this person's information.

Sec. 210. RCW 71.05.150 and 2015 c 250 s 3 are each amended to read as follows:

(1)(a) When a designated ((~~mental health professional~~)) crisis responder receives information alleging that a person, as a result of a mental disorder((~~:~~ ~~(i)~~)), substance use disorder, or both presents a likelihood of serious harm((~~:~~ ~~(ii)~~)) or is gravely disabled((~~:~~)), or (((~~(iii)~~))) that a person is in need of assisted outpatient mental health treatment; the designated ((~~mental health professional~~)) crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient evaluation, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention or involuntary outpatient evaluation. If the petition is filed solely on the grounds that the person is in need of assisted outpatient mental health treatment, the petition may only be for an involuntary outpatient evaluation. An involuntary outpatient evaluation may be conducted by any combination of licensed professionals authorized to petition for involuntary commitment under RCW 71.05.230 and must include involvement or consultation with the agency or facility which will provide monitoring or services under the proposed less restrictive alternative treatment order. If the petition is for an involuntary outpatient evaluation and the person is being held in a hospital emergency department, the person may be released once the

hospital has satisfied federal and state legal requirements for appropriate screening and stabilization of patients.

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

(2)(a) An order to detain ((~~to~~)) a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure detoxification facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period, or an order for an involuntary outpatient evaluation, may be issued by a judge of the superior court upon request of a designated ((~~mental health professional~~)) crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of a judge of the superior court:

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

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

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

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

(d) A court may not issue an order to detain a person to a secure detoxification facility or approved substance use disorder treatment program unless there is an available secure detoxification facility or approved substance use disorder treatment program that has adequate space for the person.

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

facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated ((~~mental health professional~~)) crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 211. RCW 71.05.150 and 2016 1st sp.s. c ... s 210 (section 210 of this act) are each amended to read as follows:

(1)(a) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient mental health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient evaluation, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention or involuntary outpatient evaluation. If the petition is filed solely on the grounds that the person is in need of assisted outpatient mental health treatment, the petition may only be for an involuntary outpatient evaluation. An involuntary outpatient evaluation may be conducted by any combination of licensed professionals authorized to petition for involuntary commitment under RCW 71.05.230 and must include involvement or consultation with the agency or facility which will provide monitoring or services under the proposed less restrictive alternative treatment order. If the petition is for an involuntary outpatient evaluation and the person is being held in a hospital emergency department, the person may be released once the hospital has satisfied federal and state legal requirements for appropriate screening and stabilization of patients.

(b) Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program.

(2)(a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure detoxification facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period, or an order for an involuntary outpatient evaluation, may be issued by a judge of the superior court upon request of a designated crisis responder((~~, subject to (d) of this subsection,~~)) whenever it appears to the satisfaction of a judge of the superior court:

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

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

(b) The petition for initial detention or involuntary outpatient evaluation, signed under penalty of perjury, or sworn telephonic testimony may be

considered by the court in determining whether there are sufficient grounds for issuing the order.

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

((~~(d) A court may not issue an order to detain a person to a secure detoxification facility or approved substance use disorder treatment program unless there is an available secure detoxification facility or approved substance use disorder treatment program that has adequate space for the person.~~))

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

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 212. RCW 71.05.153 and 2015 c 269 s 6 are each amended to read as follows:

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

(2) When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood

of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure detoxification facility or approved substance use disorder treatment program for not more than seventy-two hours as described in RCW 71.05.180, if a secure detoxification facility or approved substance use disorder treatment program is available and has adequate space for the person.

(3)(a) Subject to (b) of this subsection, a peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure detoxification facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

((~~(a)~~)) (i) Pursuant to subsection (1) or (2) of this section; or

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

((~~(3)~~)) (b) A peace officer's delivery of a person, based on a substance use disorder, to a secure detoxification facility or approved substance use disorder treatment program is subject to the availability of a secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.

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

((~~(4)~~)) (5) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated ((~~mental health professional~~)) crisis responder must determine whether the individual meets detention criteria. If the individual is detained, the designated ((~~mental health professional~~)) crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the mental health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

((~~(5)~~)) (6) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated mental health professional has totally disregarded the requirements of this section.

Sec. 213. RCW 71.05.153 and 2016 1st sp.s. c ... s 212 (section 212 of this act) are each amended to read as follows:

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

(2) When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure detoxification facility or approved substance use disorder treatment program for not more than seventy-two hours as described in RCW 71.05.180((~~, if a secure detoxification facility or approved substance use disorder treatment program is available and has adequate space for the person~~)).

(3)(((~~(a) Subject to (b) of this subsection,~~)) A peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure detoxification facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

(((~~(i)~~)) (a) Pursuant to subsection (1) or (2) of this section; or

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

((~~(b) A peace officer's delivery of a person, based on a substance use disorder, to a secure detoxification facility or approved substance use disorder treatment program is subject to the availability of a secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.~~))

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

(5) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community,

the mental health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

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

Sec. 214. RCW 71.05.154 and 2013 c 334 s 1 are each amended to read as follows:

A designated ((~~mental health professional~~)) crisis responder conducting an evaluation of a person under RCW 71.05.150 or 71.05.153 must consult with any examining emergency room physician regarding the physician's observations and opinions relating to the person's condition, and whether, in the view of the physician, detention is appropriate. The designated ((~~mental health professional~~)) crisis responder shall take serious consideration of observations and opinions by examining emergency room physicians in determining whether detention under this chapter is appropriate. The designated ((~~mental health professional~~)) crisis responder must document the consultation with an examining emergency room physician, including the physician's observations or opinions regarding whether detention of the person is appropriate.

Sec. 215. RCW 71.05.156 and 2015 c 250 s 4 are each amended to read as follows:

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

Sec. 216. RCW 71.05.157 and 2007 c 375 s 9 are each amended to read as follows:

(1) When a designated ((~~mental health professional~~)) crisis responder is notified by a jail that a defendant or offender who was subject to a discharge review under RCW 71.05.232 is to be released to the community, the designated ((~~mental health professional~~)) crisis responder shall evaluate the person within seventy-two hours of release.

(2) When an offender is under court-ordered treatment in the community and the supervision of the department of corrections, and the treatment provider becomes aware that the person is in violation of the terms of the court order, the treatment provider shall notify the designated ((~~mental health professional~~)) crisis responder and the department of corrections of the violation and request an evaluation for purposes of revocation of the less restrictive alternative.

(3) When a designated ((~~mental health professional~~)) crisis responder becomes aware that an offender who is under court-ordered treatment in the community and the supervision of the department of corrections is in violation of a treatment order or a condition of supervision that relates to public safety, or

the designated ((~~mental health professional~~)) crisis responder detains a person under this chapter, the designated ((~~mental health professional~~)) crisis responder shall notify the person's treatment provider and the department of corrections.

(4) When an offender who is confined in a state correctional facility or is under supervision of the department of corrections in the community is subject to a petition for involuntary treatment under this chapter, the petitioner shall notify the department of corrections and the department of corrections shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department of corrections classified the offender as a high risk or high needs offender.

(5) Nothing in this section creates a duty on any treatment provider or designated ((~~mental health professional~~)) crisis responder to provide offender supervision.

(6) No jail or state correctional facility may be considered a less restrictive alternative to an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program.

Sec. 217. RCW 71.05.160 and 2007 c 375 s 13 are each amended to read as follows:

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

If a person is involuntarily placed in an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program pursuant to RCW 71.05.150 or 71.05.153, on the next judicial day following the initial detention, the designated ((~~mental health professional~~)) crisis responder shall file with the court and serve the designated attorney of the detained person the petition or supplemental petition for initial detention, proof of service of notice, and a copy of a notice of emergency detention.

Sec. 218. RCW 71.05.170 and 2000 c 94 s 5 are each amended to read as follows:

Whenever the ((~~county~~)) designated ((~~mental health professional~~)) crisis responder petitions for detention of a person whose actions constitute a likelihood of serious harm, or who is gravely disabled, the facility providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. The facility shall then evaluate the person's condition and admit, detain, transfer, or discharge such person in accordance with RCW 71.05.210. The facility shall notify in writing the court and the ((~~county~~)) designated ((~~mental health professional~~)) crisis responder of the date and time of the initial detention of each person involuntarily detained in order that a probable cause hearing shall be held no later than seventy-two hours after detention.

The duty of a state hospital to accept persons for evaluation and treatment under this section shall be limited by chapter 71.24 RCW.

Sec. 219. RCW 71.05.180 and 1997 c 112 s 12 are each amended to read as follows:

If the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program admits the person, it may detain him or her for evaluation and treatment for a period not to exceed seventy-two hours from the time of acceptance as set forth in RCW 71.05.170. The computation of such seventy-two hour period shall exclude Saturdays, Sundays and holidays.

Sec. 220. RCW 71.05.190 and 2011 c 305 s 3 are each amended to read as follows:

If the person is not approved for admission by a facility providing seventy-two hour evaluation and treatment, and the individual has not been arrested, the facility shall furnish transportation, if not otherwise available, for the person to his or her place of residence or other appropriate place. If the individual has been arrested, the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program shall detain the individual for not more than eight hours at the request of the peace officer. The facility shall make reasonable attempts to contact the requesting peace officer during this time to inform the peace officer that the person is not approved for admission in order to enable a peace officer to return to the facility and take the individual back into custody.

Sec. 221. RCW 71.05.195 and 2010 c 208 s 1 are each amended to read as follows:

(1) A civil commitment may be initiated under the procedures described in RCW 71.05.150 or 71.05.153 for a person who has been found not guilty by reason of insanity in a state other than Washington and who has fled from detention, commitment, or conditional release in that state, on the basis of a request by the state in which the person was found not guilty by reason of insanity for the person to be detained and transferred back to the custody or care of the requesting state. A finding of likelihood of serious harm or grave disability is not required for a commitment under this section. The detention may occur at either an evaluation and treatment facility or a state hospital. The petition for seventy-two hour detention filed by the designated ((~~mental health professional~~)) crisis responder must be accompanied by the following documents:

(a) A copy of an order for detention, commitment, or conditional release of the person in a state other than Washington on the basis of a judgment of not guilty by reason of insanity;

(b) A warrant issued by a magistrate in the state in which the person was found not guilty by reason of insanity indicating that the person has fled from detention, commitment, or conditional release in that state and authorizing the detention of the person within the state in which the person was found not guilty by reason of insanity;

(c) A statement from the executive authority of the state in which the person was found not guilty by reason of insanity requesting that the person be returned

to the requesting state and agreeing to facilitate the transfer of the person to the requesting state.

(2) The person shall be entitled to a probable cause hearing within the time limits applicable to other detentions under this chapter and shall be afforded the rights described in this chapter including the right to counsel. At the probable cause hearing, the court shall determine the identity of the person and whether the other requirements of this section are met. If the court so finds, the court may order continued detention in a treatment facility for up to thirty days for the purpose of the transfer of the person to the custody or care of the requesting state. The court may order a less restrictive alternative to detention only under conditions which ensure the person's safe transfer to the custody or care of the requesting state within thirty days without undue risk to the safety of the person or others.

(3) For the purposes of this section, "not guilty by reason of insanity" shall be construed to include any provision of law which is generally equivalent to a finding of criminal insanity within the state of Washington; and "state" shall be construed to mean any state, district, or territory of the United States.

Sec. 222. RCW 71.05.201 and 2015 c 258 s 2 are each amended to read as follows:

(1) If a designated ((~~mental health professional~~)) crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated ((~~mental health professional~~)) crisis responder received a request for investigation and the designated ((~~mental health professional~~)) crisis responder has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2)(a) The petition must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

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

(ii) The date on which an investigation was requested from the designated ((~~mental health professional~~)) crisis responder.

(3) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated ((~~mental health professional~~)) crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated ((~~mental health professional's~~)) crisis responder's current decision.

(4) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

(5) The court shall dismiss the petition at any time if it finds that a designated ((~~mental health professional~~)) crisis responder has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

(6) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention if the court finds that: (a) There is probable cause to support a petition for detention; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

(7) If the court enters an order for initial detention, it shall provide the order to the designated ((~~mental health professional~~)) crisis responder agency, which shall execute the order without delay. An order for initial detention under this section expires one hundred eighty days from issuance.

(8) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

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

Sec. 223. RCW 71.05.203 and 2015 c 258 s 3 are each amended to read as follows:

(1) The department and each ((~~regional support network~~)) behavioral health organization or agency employing designated ((~~mental health professionals~~)) crisis responders shall publish information in an easily accessible format describing the process for an immediate family member, guardian, or conservator to petition for court review of a detention decision under RCW 71.05.201.

(2) A designated ((~~mental health professional~~)) crisis responder or designated ((~~mental health professional~~)) crisis responder agency that receives a request for investigation for possible detention under this chapter must inquire whether the request comes from an immediate family member, guardian, or conservator who would be eligible to petition under RCW 71.05.201. If the designated ((~~mental health professional~~)) crisis responder decides not to detain the person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since the request for investigation was received and the designated ((~~mental health professional~~)) crisis responder has not taken action to have the person detained, the designated ((~~mental health professional~~)) crisis responder or designated ((~~mental health professional~~)) crisis responder agency must inform the immediate family member, guardian, or conservator who made the request for investigation about the process to petition for court review under RCW 71.05.201.

Sec. 224. RCW 71.05.210 and 2015 c 269 s 7 and 2015 c 250 s 20 are each reenacted and amended to read as follows:

Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program (1) shall, within twenty-four hours of

his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by (a) a licensed physician who may be assisted by a physician assistant according to chapter 18.71A RCW and a mental health professional, (b) an advanced registered nurse practitioner according to chapter 18.79 RCW and a mental health professional, or (c) a licensed physician and a psychiatric advanced registered nurse practitioner and (2) shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (a) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (b) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

If, after examination and evaluation, the mental health professional and licensed physician or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a ((~~chemical dependency~~)) substance use disorder treatment facility, or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to ((~~an approved treatment program defined under RCW 70.96A.020~~)) the more appropriate placement; however, a person may only be referred to a secure detoxification facility or approved substance use disorder treatment program if there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.

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

Sec. 225. RCW 71.05.210 and 2016 1st sp.s. c ... s 224 (section 224 of this act) are each amended to read as follows:

Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program (1) shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by (a) a licensed physician who

may be assisted by a physician assistant according to chapter 18.71A RCW and a mental health professional, (b) an advanced registered nurse practitioner according to chapter 18.79 RCW and a mental health professional, or (c) a licensed physician and a psychiatric advanced registered nurse practitioner and (2) shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (a) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (b) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

If, after examination and evaluation, the mental health professional and licensed physician or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment facility, or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement((~~; however, a person may only be referred to a secure detoxification facility or approved substance use disorder treatment program if there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the person~~)).

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

Sec. 226. RCW 71.05.212 and 2015 c 250 s 5 are each amended to read as follows:

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

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

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

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

(d) Prior commitments under this chapter.

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

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

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

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

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

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

Sec. 227. RCW 71.05.214 and 1998 c 297 s 26 are each amended to read as follows:

The department shall develop statewide protocols to be utilized by professional persons and ((~~county~~)) designated ((~~mental health professionals~~)) crisis responders in administration of this chapter and chapter 10.77 RCW. The protocols shall be updated at least every three years. The protocols shall provide uniform development and application of criteria in evaluation and commitment recommendations, of persons who have, or are alleged to have, mental disorders or substance use disorders and are subject to this chapter.

The initial protocols shall be developed not later than September 1, 1999. The department shall develop and update the protocols in consultation with representatives of ((~~county~~)) designated ((~~mental health professionals~~)) crisis responders, local government, law enforcement, county and city prosecutors, public defenders, and groups concerned with mental illness and substance use disorders. The protocols shall be submitted to the governor and legislature upon adoption by the department.

Sec. 228. RCW 71.05.215 and 2008 c 156 s 2 are each amended to read as follows:

(1) A person found to be gravely disabled or presents a likelihood of serious harm as a result of a mental disorder or substance use disorder has a right to refuse antipsychotic medication unless it is determined that the failure to medicate may result in a likelihood of serious harm or substantial deterioration

or substantially prolong the length of involuntary commitment and there is no less intrusive course of treatment than medication in the best interest of that person.

(2) The department shall adopt rules to carry out the purposes of this chapter. These rules shall include:

(a) An attempt to obtain the informed consent of the person prior to administration of antipsychotic medication.

(b) For short-term treatment up to thirty days, the right to refuse antipsychotic medications unless there is an additional concurring medical opinion approving medication by a psychiatrist, psychiatric advanced registered nurse practitioner, or physician in consultation with a mental health professional with prescriptive authority.

(c) For continued treatment beyond thirty days through the hearing on any petition filed under RCW 71.05.217, the right to periodic review of the decision to medicate by the medical director or designee.

(d) Administration of antipsychotic medication in an emergency and review of this decision within twenty-four hours. An emergency exists if the person presents an imminent likelihood of serious harm, and medically acceptable alternatives to administration of antipsychotic medications are not available or are unlikely to be successful; and in the opinion of the physician or psychiatric advanced registered nurse practitioner, the person's condition constitutes an emergency requiring the treatment be instituted prior to obtaining a second medical opinion.

(e) Documentation in the medical record of the attempt by the physician or psychiatric advanced registered nurse practitioner to obtain informed consent and the reasons why antipsychotic medication is being administered over the person's objection or lack of consent.

Sec. 229. RCW 71.05.220 and 1997 c 112 s 17 are each amended to read as follows:

At the time a person is involuntarily admitted to an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, the professional person in charge or his or her designee shall take reasonable precautions to inventory and safeguard the personal property of the person detained. A copy of the inventory, signed by the staff member making it, shall be given to the person detained and shall, in addition, be open to inspection to any responsible relative, subject to limitations, if any, specifically imposed by the detained person. For purposes of this section, "responsible relative" includes the guardian, conservator, attorney, spouse, parent, adult child, or adult brother or sister of the person. The facility shall not disclose the contents of the inventory to any other person without the consent of the patient or order of the court.

Sec. 230. RCW 71.05.230 and 2015 c 250 s 6 are each amended to read as follows:

A person detained or committed for seventy-two hour evaluation and treatment or for an outpatient evaluation for the purpose of filing a petition for a less restrictive alternative treatment order may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional

days of a less restrictive alternative to involuntary intensive treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder or substance use disorder and results in a likelihood of serious harm, results in the person being gravely disabled, or results in the person being in need of assisted outpatient mental health treatment, and are prepared to testify those conditions are met; and

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

(3) The agency or facility providing intensive treatment or which proposes to supervise the less restrictive alternative is certified to provide such treatment by the department; and

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

(a) Two physicians;

(b) One physician and a mental health professional;

(c) Two psychiatric advanced registered nurse practitioners;

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

(e) A physician and a psychiatric advanced registered nurse practitioner. The persons signing the petition must have examined the person. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a mental disorder or as a result of a substance use disorder, presents a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient mental health treatment, and shall set forth a plan for the less restrictive alternative treatment proposed by the facility in accordance with RCW 71.05.585; and

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

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

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

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated ((~~mental health professional~~)) crisis responder may petition for an additional period of either ninety days of less

restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

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

Sec. 231. RCW 71.05.235 and 2015 1st sp.s. c 7 s 14 are each amended to read as follows:

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

(2) If an individual is placed in an evaluation and treatment facility under RCW 10.77.088(1)(c)(ii), a professional person shall evaluate the individual for purposes of determining whether to file a ninety-day inpatient or outpatient petition under this chapter ((~~71.05 RCW~~)). Before expiration of the seventy-two hour evaluation period authorized under RCW 10.77.088(1)(c)(ii), the professional person shall file a petition or, if the recommendation of the professional person is to release the individual, present his or her recommendation to the superior court of the county in which the criminal charge was dismissed. The superior court shall review the recommendation not later than forty-eight hours, excluding Saturdays, Sundays, and holidays, after the recommendation is presented. If the court rejects the recommendation to unconditionally release the individual, the court may order the individual detained at a designated evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period and direct the individual to appear at a surety hearing before that court within seventy-two hours, or the court may release the individual but direct the individual to appear at a surety hearing set before that court within eleven days, at which time the prosecutor may file a petition under this chapter for ninety-day inpatient or outpatient treatment. If a petition is filed by the prosecutor, the court may order that the person named in the petition be detained at the evaluation and treatment facility that performed the evaluation under this subsection or order the respondent to be in outpatient treatment. If a petition is filed but the individual fails to appear in court for the surety hearing, the court shall order that a mental health professional or peace officer shall take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility to be brought before the court the next judicial day after detention. Upon the individual's first appearance in court after a petition has been filed, proceedings

under RCW 71.05.310 and 71.05.320 shall commence. For an individual subject to this subsection, the prosecutor or professional person may directly file a petition for ninety-day inpatient or outpatient treatment and no petition for initial detention or fourteen-day detention is required before such a petition may be filed.

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

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

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

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

Sec. 232. RCW 71.05.240 and 2015 c 250 s 7 are each amended to read as follows:

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

(2) If the petition is for mental health treatment, the court at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing((~~:~~

~~(a)~~)), if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood

of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department.

(b) Commitment for up to fourteen days based on a substance use disorder must be to either a secure detoxification facility or an approved substance use disorder treatment program. A court may only enter a commitment order based on a substance use disorder if there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for not to exceed ninety days((~~;~~)).

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

(((~~(c)~~))) (e) An order for less restrictive alternative treatment must identify the services the person will receive, in accordance with RCW 71.05.585. The court may order additional evaluation of the person if necessary to identify appropriate services.

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

Sec. 233. RCW 71.05.240 and 2016 1st sp.s. c ... s 232 (section 232 of this act) are each amended to read as follows:

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

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

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

(3)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department.

(b) Commitment for up to fourteen days based on a substance use disorder must be to either a secure detoxification facility or an approved substance use disorder treatment program. ((~~A court may only enter a commitment order based on a substance use disorder if there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.~~))

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for not to exceed ninety days.

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

(e) An order for less restrictive alternative treatment must identify the services the person will receive, in accordance with RCW 71.05.585 The court may order additional evaluation of the person if necessary to identify appropriate services.

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

Sec. 234. RCW 71.05.280 and 2015 c 250 s 9 are each amended to read as follows:

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

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

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

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

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

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

(4) Such person is gravely disabled; or

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

Sec. 235. RCW 71.05.290 and 2015 c 250 s 10 are each amended to read as follows:

(1) At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated ((~~mental health professional~~)) crisis responder may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2) The petition shall summarize the facts which support the need for further commitment and shall be supported by affidavits signed by:

(a) Two examining physicians;

(b) One examining physician and examining mental health professional;

(c) Two psychiatric advanced registered nurse practitioners;

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

(e) An examining physician and an examining psychiatric advanced registered nurse practitioner. The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter. If less restrictive alternative treatment is sought, the petition shall set forth a proposed plan for less restrictive alternative treatment in accordance with RCW 71.05.585.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.086(4), then the professional person in charge of the treatment facility or his or her professional designee or the designated ((~~mental health professional~~)) crisis responder may directly file a petition for one hundred eighty day treatment under RCW 71.05.280(3). No petition for initial detention or fourteen day detention is required before such a petition may be filed.

Sec. 236. RCW 71.05.300 and 2014 c 225 s 84 are each amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall notify the designated ((~~mental health professional~~)) crisis responder. The designated ((~~mental health professional~~)) crisis responder shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, the prosecuting attorney, and the behavioral health organization administrator, and provide a copy of the petition to such persons as soon as possible. The behavioral health organization administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney, his or her right to a jury trial, and, if the petition is for commitment for mental health treatment, his or her loss of firearm rights if involuntarily committed. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, psychiatric advanced registered nurse practitioner, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a person with a developmental disability who has been determined to be incompetent pursuant to RCW 10.77.086(4), then the appointed professional person under this section shall be a developmental disabilities professional.

(4) The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

Sec. 237. RCW 71.05.320 and 2015 c 250 s 11 are each amended to read as follows:

(1)(a) Subject to (b) of this subsection, if the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

(b) If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. The court may only enter an order for commitment based on a substance use disorder if there is an available approved substance use disorder treatment program with adequate space for the person.

(c) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one

hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department.

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

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must identify the services the person will receive, in accordance with RCW 71.05.585. The court may order additional evaluation of the person if necessary to identify appropriate services.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated ((~~mental health professional~~)) crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

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

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

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

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

transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient mental health treatment.

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

If less restrictive alternative treatment is sought, the petition shall set forth a proposed plan for less restrictive alternative services in accordance with RCW 71.05.585.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, subject to subsection (1)(b) of this section, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must identify the services the person will receive, in accordance with RCW 71.05.585. The court may order additional evaluation of the person if necessary to identify appropriate services.

(b) At the end of the one hundred eighty day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

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

Sec. 238. RCW 71.05.320 and 2016 1st sp.s. c ... s 237 (section 237 of this act) are each amended to read as follows:

(1)(((~~(a) Subject to (b) of this subsection,~~))) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the

department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

((~~(b)~~)) If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. ((~~The court may only enter an order for commitment based on a substance use disorder if there is an available approved substance use disorder treatment program with adequate space for the person.~~

~~(c)~~)) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department.

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

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must identify the services the person will receive, in accordance with RCW 71.05.585. The court may order additional evaluation of the person if necessary to identify appropriate services.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

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

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

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

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

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient mental health treatment.

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

If less restrictive alternative treatment is sought, the petition shall set forth a proposed plan for less restrictive alternative services in accordance with RCW 71.05.585.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, ((~~subject to subsection (1)(b) of this section,~~)) the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must identify the services the person will receive, in accordance with RCW 71.05.585. The court may order additional evaluation of the person if necessary to identify appropriate services.

(b) At the end of the one hundred eighty day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

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

Sec. 239. RCW 71.05.325 and 2000 c 94 s 7 are each amended to read as follows:

(1) Before a person committed under grounds set forth in RCW 71.05.280(3) is released because a new petition for involuntary treatment has not been filed under RCW 71.05.320((~~(2)~~)) (3), the superintendent, professional person, or designated ((~~mental health professional~~)) crisis responder responsible for the decision whether to file a new petition shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision not to file a new petition for involuntary treatment. Notice shall be provided at least forty-five days before the period of commitment expires.

(2)(a) Before a person committed under grounds set forth in RCW 71.05.280(3) is permitted temporarily to leave a treatment facility pursuant to RCW 71.05.270 for any period of time without constant accompaniment by facility staff, the superintendent, professional person in charge of a treatment facility, or his or her professional designee shall in writing notify the prosecuting attorney of any county of the person's destination and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed. The notice shall be provided at least forty-five days before the anticipated leave and shall describe the conditions under which the leave is to occur.

(b) The provisions of RCW 71.05.330(2) apply to proposed leaves, and either or both prosecuting attorneys receiving notice under this subsection may petition the court under RCW 71.05.330(2).

(3) Nothing in this section shall be construed to authorize detention of a person unless a valid order of commitment is in effect.

(4) The existence of the notice requirements in this section will not require any extension of the leave date in the event the leave plan changes after notification.

(5) The notice requirements contained in this section shall not apply to emergency medical transfers.

(6) The notice provisions of this section are in addition to those provided in RCW 71.05.425.

Sec. 240. RCW 71.05.340 and 2015 c 250 s 12 are each amended to read as follows:

(1)(a) When, in the opinion of the superintendent or the professional person in charge of the hospital or facility providing involuntary treatment, the committed person can be appropriately served by outpatient treatment prior to or at the expiration of the period of commitment, then such outpatient care may be required as a term of conditional release for a period which, when added to the inpatient treatment period, shall not exceed the period of commitment. If the facility or agency designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated must agree in writing to assume such responsibility. A copy of the terms of

conditional release shall be given to the patient, the designated ((~~mental health professional~~)) crisis responder in the county in which the patient is to receive outpatient treatment, and to the court of original commitment.

(b) Before a person committed under grounds set forth in RCW 71.05.280(3) or 71.05.320(4)(c) is conditionally released under (a) of this subsection, the superintendent or professional person in charge of the hospital or facility providing involuntary treatment shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision to conditionally release the person. Notice and a copy of the terms of conditional release shall be provided at least thirty days before the person is released from inpatient care. Within twenty days after receiving notice, the prosecuting attorney may petition the court in the county that issued the commitment order to hold a hearing to determine whether the person may be conditionally released and the terms of the conditional release. The prosecuting attorney shall provide a copy of the petition to the superintendent or professional person in charge of the hospital or facility providing involuntary treatment, the attorney, if any, and guardian or conservator of the committed person, and the court of original commitment. If the county in which the committed person is to receive outpatient treatment is the same county in which the criminal charges against the committed person were dismissed, then the court shall, upon the motion of the prosecuting attorney, transfer the proceeding to the court in that county. The court shall conduct a hearing on the petition within ten days of the filing of the petition. The committed person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as set forth in this subsection and except that there shall be no right to jury trial. The issue to be determined at the hearing is whether or not the person may be conditionally released without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security. If the court disapproves of the conditional release, it may do so only on the basis of substantial evidence. Pursuant to the determination of the court upon the hearing, the conditional release of the person shall be approved by the court on the same or modified conditions or the person shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he or she was committed, or otherwise in accordance with the provisions of this chapter.

(2) The facility or agency designated to provide outpatient care or the secretary may modify the conditions for continued release when such modification is in the best interest of the person. Notification of such changes shall be sent to all persons receiving a copy of the original conditions. Enforcement or revocation proceedings related to a conditional release order may occur as provided under RCW 71.05.590.

Sec. 241. RCW 71.05.585 and 2015 c 250 s 16 are each amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, includes the following services:

(a) Assignment of a care coordinator;

(b) An intake evaluation with the provider of the less restrictive alternative treatment;

(c) A psychiatric evaluation;

(d) Medication management;

(e) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;

(f) A transition plan addressing access to continued services at the expiration of the order; and

(g) An individual crisis plan.

(2) Less restrictive alternative treatment may additionally include requirements to participate in the following services:

(a) Psychotherapy;

(b) Nursing;

(c) Substance abuse counseling;

(d) Residential treatment; and

(e) Support for housing, benefits, education, and employment.

(3) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(4) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated ((~~mental health professionals~~)) crisis responders that are necessary for enforcement and continuation of less restrictive alternative orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

Sec. 242. RCW 71.05.590 and 2015 c 250 s 13 are each amended to read as follows:

(1) An agency or facility designated to monitor or provide services under a less restrictive alternative or conditional release order or a designated ((~~mental health professional~~)) crisis responder may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order if the agency, facility, or designated ((~~mental health professional~~)) crisis responder determines that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel, advise, or admonish the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated ((~~mental health professional~~)) crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility with available space or an approved substance use disorder treatment program with available space if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated ((~~mental health professional~~)) crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated ((~~mental health professional~~)) crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated ((~~mental health professional~~)) crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this ((~~section~~)) chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment((~~, or initiate~~)) if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment and has adequate

space. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated ((~~mental health professional~~)) crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated ((~~mental health professional~~)) crisis responder or secretary shall notify the court that originally ordered commitment within two judicial days of a person's detention and file a revocation petition and order of apprehension and detention with the court and serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings regarding a petition for modification or revocation must be in the county in which the petition was filed.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order. A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder treatment program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.

(e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

(5) In determining whether or not to take action under this section the designated ((~~mental health professional~~)) crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

Sec. 243. RCW 71.05.590 and 2016 1st sp.s. c ... s 242 (section 242 of this act) are each amended to read as follows:

(1) An agency or facility designated to monitor or provide services under a less restrictive alternative or conditional release order or a designated crisis

responder may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order if the agency, facility, or designated crisis responder determines that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel, advise, or admonish the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility ((~~with available space~~)) or an approved substance use disorder treatment program ((~~with available space~~)) if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment ((~~and has adequate space~~)). Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary shall notify the court that originally ordered commitment within two judicial days of a person's detention and file a revocation petition and order of apprehension and detention with the court and serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings regarding a petition for modification or revocation must be in the county in which the petition was filed.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order. ((~~A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder treatment program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.~~))

(e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

Sec. 244. RCW 71.05.360 and 2009 c 217 s 5 are each amended to read as follows:

(1)(a) Every person involuntarily detained or committed under the provisions of this chapter shall be entitled to all the rights set forth in this chapter, which shall be prominently posted in the facility, and shall retain all rights not denied him or her under this chapter except as chapter 9.41 RCW may limit the right of a person to purchase or possess a firearm or to qualify for a concealed pistol license if the person is committed under RCW 71.05.240 or 71.05.320 for mental health treatment.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder or substance use disorder, under this chapter or any prior laws of this state dealing with mental illness or substance use disorders. Competency shall not be determined or withdrawn except under the provisions of chapter 10.77 or 11.88 RCW.

(c) Any person who leaves a public or private agency following evaluation or treatment for a mental disorder or substance use disorder shall be given a written statement setting forth the substance of this section.

(2) Each person involuntarily detained or committed pursuant to this chapter shall have the right to adequate care and individualized treatment.

(3) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(4) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician, psychiatric advanced registered nurse practitioner, or other professional person qualified to provide such services.

(5) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both the person and, if possible, a responsible member of his or her immediate family, personal representative, guardian, or conservator, if any, shall be advised as soon as possible in writing or orally, by the officer or person taking him or her into custody or by personnel of the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program where the person is detained that unless the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention:

(a) A judicial hearing in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-two hours after the initial detention to determine whether there is probable cause to detain the

person after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that the person is a person whose mental disorder or substance use disorder presents a likelihood of serious harm or that the person is gravely disabled;

(b) The person has a right to communicate immediately with an attorney; has a right to have an attorney appointed to represent him or her before and at the probable cause hearing if he or she is indigent; and has the right to be told the name and address of the attorney that the mental health professional has designated pursuant to this chapter;

(c) The person has the right to remain silent and that any statement he or she makes may be used against him or her;

(d) The person has the right to present evidence and to cross-examine witnesses who testify against him or her at the probable cause hearing; and

(e) The person has the right to refuse psychiatric medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(6) When proceedings are initiated under RCW 71.05.153, no later than twelve hours after such person is admitted to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program the personnel of the ((~~evaluation and treatment~~)) facility or the designated ((~~mental health professional~~)) crisis responder shall serve on such person a copy of the petition for initial detention and the name, business address, and phone number of the designated attorney and shall forthwith commence service of a copy of the petition for initial detention on the designated attorney.

(7) The judicial hearing described in subsection (5) of this section is hereby authorized, and shall be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(8) At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

(a) To present evidence on his or her behalf;

(b) To cross-examine witnesses who testify against him or her;

(c) To be proceeded against by the rules of evidence;

(d) To remain silent;

(e) To view and copy all petitions and reports in the court file.

(9) Privileges between patients and physicians, psychologists, or psychiatric advanced registered nurse practitioners are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from

such records unless the person making such conclusions is available for cross-examination.

(10) Insofar as danger to the person or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) To discuss treatment plans and decisions with professional persons;

(h) Not to consent to the administration of antipsychotic medications and not to thereafter be administered antipsychotic medications unless ordered by a court under RCW 71.05.217 or pursuant to an administrative hearing under RCW 71.05.215;

(i) Not to consent to the performance of electroconvulsant therapy or surgery, except emergency lifesaving surgery, unless ordered by a court under RCW 71.05.217;

(j) Not to have psychosurgery performed on him or her under any circumstances;

(k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue.

(11) Every person involuntarily detained shall immediately be informed of his or her right to a hearing to review the legality of his or her detention and of his or her right to counsel, by the professional person in charge of the facility providing evaluation and treatment, or his or her designee, and, when appropriate, by the court. If the person so elects, the court shall immediately appoint an attorney to assist him or her.

(12) A person challenging his or her detention or his or her attorney shall have the right to designate and have the court appoint a reasonably available independent physician, psychiatric advanced registered nurse practitioner, or licensed mental health professional to examine the person detained, the results of which examination may be used in the proceeding. The person shall, if he or she is financially able, bear the cost of such expert examination, otherwise such expert examination shall be at public expense.

(13) Nothing contained in this chapter shall prohibit the patient from petitioning by writ of habeas corpus for release.

(14) Nothing in this chapter shall prohibit a person committed on or prior to January 1, 1974, from exercising a right available to him or her at or prior to January 1, 1974, for obtaining release from confinement.

(15) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

Sec. 245. RCW 71.05.380 and 1973 1st ex.s. c 142 s 43 are each amended to read as follows:

All persons voluntarily entering or remaining in any facility, institution, or hospital providing evaluation and treatment for mental disorders or substance use disorders shall have no less than all rights secured to involuntarily detained persons by RCW 71.05.360 and ((~~71.05.370~~)) 71.05.217.

Sec. 246. RCW 71.05.435 and 2010 c 280 s 4 are each amended to read as follows:

(1) Whenever a person who is the subject of an involuntary commitment order under this chapter is discharged from an evaluation and treatment facility ((~~or~~)), state hospital, ((~~the evaluation and treatment facility or state hospital shall provide notice of the person's discharge to the designated mental health professional~~)) secure detoxification facility, or approved substance use disorder treatment program providing involuntary treatment services, the entity discharging the person shall provide notice of the person's discharge to the designated crisis responder office responsible for the initial commitment and the designated ((~~mental health professional~~)) crisis responder office that serves the county in which the person is expected to reside. The ((~~evaluation and treatment facility or state hospital~~)) entity discharging the person must also provide these offices with a copy of any less restrictive order or conditional release order entered in conjunction with the discharge of the person, unless the ((~~evaluation and treatment facility or state hospital~~)) entity discharging the person has entered into a memorandum of understanding obligating another entity to provide these documents.

(2) The notice and documents referred to in subsection (1) of this section shall be provided as soon as possible and no later than one business day following the discharge of the person. Notice is not required under this section if the discharge is for the purpose of transferring the person for continued detention and treatment under this chapter at another treatment facility.

(3) The department shall maintain and make available an updated list of contact information for designated ((~~mental health professional~~)) crisis responder offices around the state.

Sec. 247. RCW 71.05.530 and 1998 c 297 s 23 are each amended to read as follows:

Evaluation and treatment facilities and secure detoxification facilities authorized pursuant to this chapter may be part of the comprehensive community mental health services program conducted in counties pursuant to chapter 71.24 RCW, and may receive funding pursuant to the provisions thereof.

Sec. 248. RCW 71.05.560 and 1998 c 297 s 24 are each amended to read as follows:

The department shall adopt such rules as may be necessary to effectuate the intent and purposes of this chapter, which shall include but not be limited to evaluation of the quality of the program and facilities operating pursuant to this chapter, evaluation of the effectiveness and cost effectiveness of such programs and facilities, and procedures and standards for certification and other action

relevant to evaluation and treatment facilities, secure detoxification facilities, and approved substance use disorder treatment programs.

Sec. 249. RCW 71.05.620 and 2015 c 269 s 16 are each amended to read as follows:

(1) The files and records of court proceedings under this chapter and chapter((~~s 70.96A,~~)) 71.34((~~, and 70.96B~~)) RCW shall be closed but shall be accessible to:

(a) The department;

(b) The state hospitals as defined in RCW 72.23.010;

(c) Any person who is the subject of a petition;

(d) The ((~~person's~~)) attorney or guardian of the person;

(e) Resource management services for that person; and

(f) Service providers authorized to receive such information by resource management services.

(2) The department shall adopt rules to implement this section.

Sec. 250. RCW 71.05.700 and 2007 c 360 s 2 are each amended to read as follows:

No designated ((~~mental health professional~~)) crisis responder or crisis intervention worker shall be required to respond to a private home or other private location to stabilize or treat a person in crisis, or to evaluate a person for potential detention under the state's involuntary treatment act, unless a second trained individual, determined by the clinical team supervisor, on-call supervisor, or individual professional acting alone based on a risk assessment for potential violence, accompanies them. The second individual may be a law enforcement officer, a mental health professional, a mental health paraprofessional who has received training under RCW 71.05.715, or other first responder, such as fire or ambulance personnel. No retaliation may be taken against a worker who, following consultation with the clinical team, refuses to go on a home visit alone.

Sec. 251. RCW 71.05.705 and 2007 c 360 s 3 are each amended to read as follows:

Each provider of designated ((~~mental health professional~~)) crisis responder or crisis outreach services shall maintain a written policy that, at a minimum, describes the organization's plan for training, staff backup, information sharing, and communication for crisis outreach staff who respond to private homes or nonpublic settings.

Sec. 252. RCW 71.05.745 and 2015 c 269 s 2 are each amended to read as follows:

(1) The department may use a single bed certification process as outlined in rule to provide additional treatment capacity for a person suffering from a mental disorder for whom an evaluation and treatment bed is not available. The facility that is the proposed site of the single bed certification must be a facility that is willing and able to provide the person with timely and appropriate treatment either directly or by arrangement with other public or private agencies.

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

(3) A designated ((~~mental health professional~~)) crisis responder who submits an application for a single bed certification for treatment at a facility that

is willing and able to provide timely and appropriate mental health treatment in good faith belief that the single bed certification is appropriate may presume that the single bed certification will be approved for the purpose of completing the detention process and responding to other emergency calls.

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

Sec. 253. RCW 71.05.750 and 2015 c 269 s 3 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 254. RCW 71.34.020 and 2011 c 89 s 16 are each amended to read as follows:

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

(1) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(2) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(3) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(4) "Department" means the department of social and health services.

(5) ((~~"Designated mental health professional" means a mental health professional designated by one or more counties to perform the functions of a designated mental health professional described in this chapter.~~

~~(6)~~)) "Evaluation and treatment facility" means a public or private facility or unit that is certified by the department to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately-operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the department or federal agency does not require certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

((~~(7)~~)) (6) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

((~~(8)~~)) (7) "Gravely disabled minor" means a minor who, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals, is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

((~~(9)~~)) (8) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, ((~~or~~)) residential treatment facility certified by the department as an evaluation and

treatment facility for minors, secure detoxification facility for minors, or approved substance use disorder treatment program for minors.

(((~~(10)~~))) (9) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor who is not residing in a facility providing inpatient treatment as defined in this chapter.

(((~~(11)~~))) (10) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others.

(((~~(12)~~))) (11) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the ((~~worsening of mental conditions~~)) progression of a substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a handicap, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(((~~(13)~~))) (12) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(((~~(14)~~))) (13) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under this chapter.

(((~~(15)~~))) (14) "Minor" means any person under the age of eighteen years.

(((~~(16)~~))) (15) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed service((~~s~~)) providers as identified by RCW 71.24.025.

(((~~(17)~~))) (16) "Parent" means:

(a) A biological or adoptive parent who has legal custody of the child, including either parent if custody is shared under a joint custody agreement; or

(b) A person or agency judicially appointed as legal guardian or custodian of the child.

(((~~(18)~~))) (17) "Professional person in charge" or "professional person" means a physician ((~~or~~)), other mental health professional, or other person empowered by an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(((~~(19)~~))) (18) "Psychiatric nurse" means a registered nurse who has a bachelor's degree from an accredited college or university, and who has had, in addition, at least two years' experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained

under the supervision of a mental health professional. "Psychiatric nurse" shall also mean any other registered nurse who has three years of such experience.

(((~~(20)~~))) (19) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(((~~(21)~~))) (20) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(((~~(22)~~))) (21) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(((~~(23)~~))) (22) "Secretary" means the secretary of the department or secretary's designee.

(((~~(24)~~))) (23) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(((~~(25)~~))) (24) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(25) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(26) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW.

(27) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(28) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

(29) "Designated crisis responder" means a person designated by a behavioral health organization to perform the duties specified in this chapter.

(30) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(31) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(32) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(33) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(34) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that:

(a) Provides for intoxicated minors:

(i) Evaluation and assessment, provided by certified chemical dependency professionals;

(ii) Acute or subacute detoxification services; and

(iii) Discharge assistance provided by certified chemical dependency professionals, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the minor;

(b) Includes security measures sufficient to protect the patients, staff, and community; and

(c) Is certified as such by the department.

(35) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

Sec. 255. RCW 71.34.305 and 1996 c 133 s 6 are each amended to read as follows:

School district personnel who contact a mental health or substance use disorder inpatient treatment program or provider for the purpose of referring a student to inpatient treatment shall provide the parents with notice of the contact within forty-eight hours.

Sec. 256. RCW 71.34.375 and 2011 c 302 s 1 are each amended to read as follows:

(1) If a parent or guardian, for the purpose of mental health treatment, substance use disorder treatment, or evaluation, brings his or her minor child to an evaluation and treatment facility, a hospital emergency room, an inpatient facility licensed under chapter 72.23 RCW, ((~~or~~)) an inpatient facility licensed under chapter 70.41 or 71.12 RCW operating inpatient psychiatric beds for minors, a secure detoxification facility, or an approved substance use disorder treatment program, the facility is required to promptly provide written and verbal notice of all statutorily available treatment options contained in this

chapter. The notice need not be given more than once if written and verbal notice has already been provided and documented by the facility.

(2) The provision of notice must be documented by the facilities required to give notice under subsection (1) of this section and must be accompanied by a signed acknowledgment of receipt by the parent or guardian. The notice must contain the following information:

(a) All current statutorily available treatment options including but not limited to those provided in this chapter; and

(b) The procedures to be followed to utilize the treatment options described in this chapter.

(3) The department shall produce, and make available, the written notification that must include, at a minimum, the information contained in subsection (2) of this section. The department must revise the written notification as necessary to reflect changes in the law.

Sec. 257. RCW 71.34.385 and 1992 c 205 s 304 are each amended to read as follows:

The department shall ensure that the provisions of this chapter are applied by the counties in a consistent and uniform manner. The department shall also ensure that, to the extent possible within available funds, the ((~~county-designated mental health professionals~~)) designated crisis responders are specifically trained in adolescent mental health issues, the mental health and substance use disorder civil commitment laws, and the criteria for civil commitment.

Sec. 258. RCW 71.34.400 and 1998 c 296 s 11 are each amended to read as follows:

For purposes of eligibility for medical assistance under chapter 74.09 RCW, minors in inpatient mental health or inpatient substance use disorder treatment shall be considered to be part of their parent's or legal guardian's household, unless the minor has been assessed by the department or its designee as likely to require such treatment for at least ninety consecutive days, or is in out-of-home care in accordance with chapter 13.34 RCW, or the parents are found to not be exercising responsibility for care and control of the minor. Payment for such care by the department shall be made only in accordance with rules, guidelines, and clinical criteria applicable to inpatient treatment of minors established by the department.

Sec. 259. RCW 71.34.410 and 2005 c 371 s 5 are each amended to read as follows:

No public or private agency or governmental entity, nor officer of a public or private agency, nor the superintendent, or professional person in charge, his or her professional designee or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person under this chapter, nor any ((~~county~~)) designated ((~~mental health professional~~)) crisis responder, nor professional person, nor evaluation and treatment facility, nor secure detoxification facility, nor approved substance use disorder treatment program shall be civilly or criminally liable for performing actions authorized in this chapter with regard to the decision of whether to admit, release, or detain a person for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

Sec. 260. RCW 71.34.420 and 2015 c 269 s 12 are each amended to read as follows:

(1) The department may use a single bed certification process as outlined in rule to provide additional treatment capacity for a minor suffering from a mental disorder for whom an evaluation and treatment bed is not available. The facility that is the proposed site of the single bed certification must be a facility that is willing and able to provide the person with timely and appropriate treatment either directly or by arrangement with other public or private agencies.

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

(3) A designated ((~~mental health professional~~)) crisis responder who submits an application for a single bed certification for treatment at a facility that is willing and able to provide timely and appropriate mental health treatment in good faith belief that the single bed certification is appropriate may presume that the single bed certification will be approved for the purpose of completing the detention process and responding to other emergency calls.

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

Sec. 261. RCW 71.34.500 and 2006 c 93 s 3 are each amended to read as follows:

(1) A minor thirteen years or older may admit himself or herself to an evaluation and treatment facility for inpatient mental health treatment or an approved substance use disorder treatment program for inpatient ((~~mental~~)) substance use disorder treatment((~~,~~)) without parental consent. The admission shall occur only if the professional person in charge of the facility concurs with the need for inpatient treatment. Parental authorization, or authorization from a person who may consent on behalf of the minor pursuant to RCW 7.70.065, is required for inpatient treatment of a minor under the age of thirteen.

(2) When, in the judgment of the professional person in charge of an evaluation and treatment facility or approved substance use disorder treatment program, there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder or substance use disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to ((~~an evaluation and treatment~~)) the facility.

(3) Written renewal of voluntary consent must be obtained from the applicant no less than once every twelve months. The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

Sec. 262. RCW 71.34.520 and 2003 c 106 s 1 are each amended to read as follows:

(1) Any minor thirteen years or older voluntarily admitted to an evaluation and treatment facility or approved substance use disorder treatment program under RCW 71.34.500 may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the minor can be discerned.

(2) The staff member receiving the notice shall date it immediately, record its existence in the minor's clinical record, and send copies of it to the minor's attorney, if any, the ((~~county-designated mental health professional~~)) designated crisis responders, and the parent.

(3) The professional person shall discharge the minor, thirteen years or older, from the facility by the second judicial day following receipt of the minor's notice of intent to leave.

Sec. 263. RCW 71.34.600 and 2007 c 375 s 11 are each amended to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her minor child to:

(a) An evaluation and treatment facility or an inpatient facility licensed under chapter 70.41, 71.12, or 72.23 RCW and request that the professional person examine the minor to determine whether the minor has a mental disorder and is in need of inpatient treatment; or

(b) A secure detoxification facility or approved substance use disorder treatment program and request that a substance use disorder assessment be conducted by a professional person to determine whether the minor has a substance use disorder and is in need of inpatient treatment.

(2) The consent of the minor is not required for admission, evaluation, and treatment if the parent brings the minor to the facility.

(3) An appropriately trained professional person may evaluate whether the minor has a mental disorder or has a substance use disorder. The evaluation shall be completed within twenty-four hours of the time the minor was brought to the facility, unless the professional person determines that the condition of the minor necessitates additional time for evaluation. In no event shall a minor be held longer than seventy-two hours for evaluation. If, in the judgment of the professional person, it is determined it is a medical necessity for the minor to receive inpatient treatment, the minor may be held for treatment. The facility shall limit treatment to that which the professional person determines is medically necessary to stabilize the minor's condition until the evaluation has been completed. Within twenty-four hours of completion of the evaluation, the professional person shall notify the department if the child is held for treatment and of the date of admission.

(4) No provider is obligated to provide treatment to a minor under the provisions of this section except that no provider may refuse to treat a minor under the provisions of this section solely on the basis that the minor has not consented to the treatment. No provider may admit a minor to treatment under this section unless it is medically necessary.

(5) No minor receiving inpatient treatment under this section may be discharged from the facility based solely on his or her request.

(6) Prior to the review conducted under RCW 71.34.610, the professional person shall notify the minor of his or her right to petition superior court for release from the facility.

(7) For the purposes of this section "professional person" means "professional person" as defined in RCW 71.05.020.

Sec. 264. RCW 71.34.630 and 1998 c 296 s 20 are each amended to read as follows:

If the minor is not released as a result of the petition filed under RCW 71.34.620, he or she shall be released not later than thirty days following the later of: (1) The date of the department's determination under RCW 71.34.610(2); or (2) the filing of a petition for judicial review under RCW 71.34.620, unless a professional person or the ((~~county~~)) designated ((~~mental health professional~~)) crisis responder initiates proceedings under this chapter.

Sec. 265. RCW 71.34.650 and 1998 c 296 s 18 are each amended to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her minor child to:

(a) A provider of outpatient mental health treatment and request that an appropriately trained professional person examine the minor to determine whether the minor has a mental disorder and is in need of outpatient treatment; or

(b) A provider of outpatient substance use disorder treatment and request that an appropriately trained professional person examine the minor to determine whether the minor has a substance use disorder and is in need of outpatient treatment.

(2) The consent of the minor is not required for evaluation if the parent brings the minor to the provider.

(3) The professional person may evaluate whether the minor has a mental disorder or substance use disorder and is in need of outpatient treatment.

(4) Any minor admitted to inpatient treatment under RCW 71.34.500 or 71.34.600 shall be discharged immediately from inpatient treatment upon written request of the parent.

Sec. 266. RCW 71.34.660 and 2005 c 371 s 3 are each amended to read as follows:

A minor child shall have no cause of action against an evaluation and treatment facility, secure detoxification facility, approved substance use disorder treatment program, inpatient facility, or provider of outpatient mental health treatment or outpatient substance use disorder treatment for admitting or accepting the minor in good faith for evaluation or treatment under RCW 71.34.600 or 71.34.650 based solely upon the fact that the minor did not consent to evaluation or treatment if the minor's parent has consented to the evaluation or treatment.

Sec. 267. RCW 71.34.700 and 1985 c 354 s 4 are each amended to read as follows:

(1) If a minor, thirteen years or older, is brought to an evaluation and treatment facility or hospital emergency room for immediate mental health services, the professional person in charge of the facility shall evaluate the minor's mental condition, determine whether the minor suffers from a mental disorder, and whether the minor is in need of immediate inpatient treatment.

(2) If a minor, thirteen years or older, is brought to a secure detoxification facility with available space, or a hospital emergency room for immediate substance use disorder treatment, the professional person in charge of the facility shall evaluate the minor's condition, determine whether the minor suffers from substance use disorder, and whether the minor is in need of immediate inpatient treatment.

(3) If it is determined under subsection (1) or (2) of this section that the minor suffers from a mental disorder or substance use disorder, inpatient treatment is required, the minor is unwilling to consent to voluntary admission, and the professional person believes that the minor meets the criteria for initial detention set forth herein, the facility may detain or arrange for the detention of the minor for up to twelve hours in order to enable a ((~~county-designated mental health professional~~)) designated crisis responder to evaluate the minor and commence initial detention proceedings under the provisions of this chapter.

Sec. 268. RCW 71.34.700 and 2016 1st sp.s. c ... s 267 (section 267 of this act) are each amended to read as follows:

(1) If a minor, thirteen years or older, is brought to an evaluation and treatment facility or hospital emergency room for immediate mental health services, the professional person in charge of the facility shall evaluate the minor's mental condition, determine whether the minor suffers from a mental disorder, and whether the minor is in need of immediate inpatient treatment.

(2) If a minor, thirteen years or older, is brought to a secure detoxification facility ((~~with available space,~~)) or a hospital emergency room for immediate substance use disorder treatment, the professional person in charge of the facility shall evaluate the minor's condition, determine whether the minor suffers from substance use disorder, and whether the minor is in need of immediate inpatient treatment.

(3) If it is determined under subsection (1) or (2) of this section that the minor suffers from a mental disorder or substance use disorder, inpatient treatment is required, the minor is unwilling to consent to voluntary admission, and the professional person believes that the minor meets the criteria for initial detention set forth herein, the facility may detain or arrange for the detention of the minor for up to twelve hours in order to enable a designated crisis responder to evaluate the minor and commence initial detention proceedings under the provisions of this chapter.

Sec. 269. RCW 71.34.710 and 1995 c 312 s 53 are each amended to read as follows:

(1)(a)(i) When a ((~~county-designated mental health professional~~)) designated crisis responder receives information that a minor, thirteen years or older, as a result of a mental disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the ((~~county-designated mental health professional~~)) designated crisis responder may take the minor, or cause the minor to be taken, into custody and transported to an evaluation and treatment facility providing inpatient treatment.

(ii) When a designated crisis responder receives information that a minor, thirteen years or older, as a result of substance use disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the minor, or cause the minor to be taken, into custody and transported to a secure detoxification facility or approved substance use disorder treatment program, if a secure detoxification facility or

approved substance use disorder treatment program is available and has adequate space for the minor.

(b) If the minor is not taken into custody for evaluation and treatment, the parent who has custody of the minor may seek review of that decision made by the ((~~county designated mental health professional~~)) designated crisis responder in court. The parent shall file notice with the court and provide a copy of the ((~~county designated mental health professional's~~)) designated crisis responder's report or notes.

(2) Within twelve hours of the minor's arrival at the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, the ((~~county designated mental health professional~~)) designated crisis responder shall serve on the minor a copy of the petition for initial detention, notice of initial detention, and statement of rights. The ((~~county designated mental health professional~~)) designated crisis responder shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The ((~~county designated mental health professional~~)) designated crisis responder shall commence service of the petition for initial detention and notice of the initial detention on the minor's parent and the minor's attorney as soon as possible following the initial detention.

(3) At the time of initial detention, the ((~~county designated mental health professional~~)) designated crisis responder shall advise the minor both orally and in writing that if admitted to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program for inpatient treatment, a commitment hearing shall be held within seventy-two hours of the minor's provisional acceptance to determine whether probable cause exists to commit the minor for further ((~~mental health~~)) treatment.

The minor shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the minor is indigent.

(4) Subject to subsection (5) of this section, whenever the ((~~county designated mental health professional~~)) designated crisis responder petitions for detention of a minor under this chapter, an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the minor's arrival, the facility must evaluate the minor's condition and either admit or release the minor in accordance with this chapter.

(5) A designated crisis responder may not petition for detention of a minor to a secure detoxification facility or approved substance use disorder treatment program unless there is a secure detoxification facility or approved substance use disorder treatment program available and that has adequate space for the minor.

(6) If a minor is not approved for admission by the inpatient evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, the facility shall make such recommendations and referrals for further care and treatment of the minor as necessary.

Sec. 270. RCW 71.34.710 and 2016 1st sp.s. c ... s 269 (section 269 of this act) are each amended to read as follows:

(1)(a)(i) When a designated crisis responder receives information that a minor, thirteen years or older, as a result of a mental disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the minor, or cause the minor to be taken, into custody and transported to an evaluation and treatment facility providing inpatient treatment.

(ii) When a designated crisis responder receives information that a minor, thirteen years or older, as a result of substance use disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the minor, or cause the minor to be taken, into custody and transported to a secure detoxification facility or approved substance use disorder treatment program((~~, if a secure detoxification facility or approved substance use disorder treatment program is available and has adequate space for the minor~~)).

(b) If the minor is not taken into custody for evaluation and treatment, the parent who has custody of the minor may seek review of that decision made by the designated crisis responder in court. The parent shall file notice with the court and provide a copy of the designated crisis responder's report or notes.

(2) Within twelve hours of the minor's arrival at the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, the designated crisis responder shall serve on the minor a copy of the petition for initial detention, notice of initial detention, and statement of rights. The designated crisis responder shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The designated crisis responder shall commence service of the petition for initial detention and notice of the initial detention on the minor's parent and the minor's attorney as soon as possible following the initial detention.

(3) At the time of initial detention, the designated crisis responder shall advise the minor both orally and in writing that if admitted to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program for inpatient treatment, a commitment hearing shall be held within seventy-two hours of the minor's provisional acceptance to determine whether probable cause exists to commit the minor for further treatment.

The minor shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the minor is indigent.

(4) ((~~Subject to subsection (5) of this section,~~)) Whenever the designated crisis responder petitions for detention of a minor under this chapter, an evaluation and treatment facility, secure detoxification facility, or approved

substance use disorder treatment program providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the minor's arrival, the facility must evaluate the minor's condition and either admit or release the minor in accordance with this chapter.

(5) ((~~A designated crisis responder may not petition for detention of a minor to a secure detoxification facility or approved substance use disorder treatment program unless there is a secure detoxification facility or approved substance use disorder treatment program available and that has adequate space for the minor.~~

~~(6)~~)) If a minor is not approved for admission by the inpatient evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, the facility shall make such recommendations and referrals for further care and treatment of the minor as necessary.

Sec. 271. RCW 71.34.720 and 2009 c 217 s 16 are each amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a chemical dependency professional, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a physician or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a ((~~chemical dependency~~)) substance use disorder treatment facility or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to ((~~an approved treatment program defined under RCW 70.96A.020~~)) the more appropriate placement; however a minor may only be referred to a secure detoxification facility or approved substance use disorder treatment program if there is a secure detoxification facility or approved substance use disorder treatment program available and that has adequate space for the minor.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. In no event may the minor be denied the opportunity to consult an attorney.

(5) If the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This

initial treatment period shall not exceed seventy-two hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

Sec. 272. RCW 71.34.720 and 2016 1st sp.s. c ... s 271 (section 271 of this act) are each amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a chemical dependency professional, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a physician or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment facility or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to the more appropriate placement((~~; however a minor may only be referred to a secure detoxification facility or approved substance use disorder treatment program if there is a secure detoxification facility or approved substance use disorder treatment program available and that has adequate space for the minor~~)).

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. In no event may the minor be denied the opportunity to consult an attorney.

(5) If the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed seventy-two hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

Sec. 273. RCW 71.34.730 and 2009 c 293 s 6 and 2009 c 217 s 17 are each reenacted and amended to read as follows:

(1) The professional person in charge of an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program where a minor has been admitted involuntarily for the initial seventy-two hour treatment period under this chapter may petition to have a minor committed to an evaluation and treatment facility or, in the case of a minor with a substance use disorder, to a secure detoxification facility or approved substance use disorder treatment program for fourteen-day diagnosis, evaluation, and treatment.

If the professional person in charge of the ((~~treatment and evaluation~~)) facility does not petition to have the minor committed, the parent who has custody of the minor may seek review of that decision in court. The parent shall file notice with the court and provide a copy of the treatment and evaluation facility's report.

(2) A petition for commitment of a minor under this section shall be filed with the superior court in the county where the minor is residing or being detained.

(a) A petition for a fourteen-day commitment shall be signed by (i) two physicians, (ii) two psychiatric advanced registered nurse practitioners, (iii) a mental health professional and either a physician or a psychiatric advanced registered nurse practitioner, or (iv) a physician and a psychiatric advanced registered nurse practitioner. The person signing the petition must have examined the minor, and the petition must contain the following:

(A) The name and address of the petitioner;

(B) The name of the minor alleged to meet the criteria for fourteen-day commitment;

(C) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor;

(D) A statement that the petitioner has examined the minor and finds that the minor's condition meets required criteria for fourteen-day commitment and the supporting facts therefor;

(E) A statement that the minor has been advised of the need for voluntary treatment but has been unwilling or unable to consent to necessary treatment;

(F) If the petition is for mental health treatment, a statement that the minor has been advised of the loss of firearm rights if involuntarily committed;

(G) A statement recommending the appropriate facility or facilities to provide the necessary treatment; and

(H) A statement concerning whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(b) A copy of the petition shall be personally delivered to the minor by the petitioner or petitioner's designee. A copy of the petition shall be sent to the minor's attorney and the minor's parent.

Sec. 274. RCW 71.34.740 and 2009 c 293 s 7 are each amended to read as follows:

(1) A commitment hearing shall be held within seventy-two hours of the minor's admission, excluding Saturday, Sunday, and holidays, unless a continuance is requested by the minor or the minor's attorney.

(2) The commitment hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the commitment hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the commitment hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the commitment hearing, the minor shall have the following rights:

(a) To be represented by an attorney;

(b) To present evidence on his or her own behalf;

(c) To question persons testifying in support of the petition.

(7) If the hearing is for commitment for mental health treatment, the court at the time of the commitment hearing and before an order of commitment is entered shall inform the minor both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.34.730 will result in the loss of his or her firearm rights if the minor is subsequently detained for involuntary treatment under this section.

(8) If the minor has received medication within twenty-four hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

(9) Rules of evidence shall not apply in fourteen-day commitment hearings.

(10) For a fourteen-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a mental disorder or substance use disorder and presents a ((")likelihood of serious harm(") or is ((")gravely disabled("));

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program to which continued inpatient care is sought or is in need of less restrictive alternative treatment found to be in the best interests of the minor; ((~~and~~))

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment; and

(d) If commitment is for a substance use disorder, there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the minor.

(11) If the court finds that the minor meets the criteria for a fourteen-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a fourteen-day commitment, the minor shall be released.

(12) Nothing in this section prohibits the professional person in charge of the ((~~evaluation and treatment~~)) facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

(13) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for one hundred eighty-day commitment is pending before the court.

Sec. 275. RCW 71.34.740 and 2016 1st sp.s. c ... s 274 (section 274 of this act) are each amended to read as follows:

(1) A commitment hearing shall be held within seventy-two hours of the minor's admission, excluding Saturday, Sunday, and holidays, unless a continuance is requested by the minor or the minor's attorney.

(2) The commitment hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the commitment hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the commitment hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the commitment hearing, the minor shall have the following rights:

(a) To be represented by an attorney;

(b) To present evidence on his or her own behalf;

(c) To question persons testifying in support of the petition.

(7) If the hearing is for commitment for mental health treatment, the court at the time of the commitment hearing and before an order of commitment is entered shall inform the minor both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.34.730 will result in the loss of his or her firearm rights if the minor is subsequently detained for involuntary treatment under this section.

(8) If the minor has received medication within twenty-four hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

(9) Rules of evidence shall not apply in fourteen-day commitment hearings.

(10) For a fourteen-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a mental disorder or substance use disorder and presents a likelihood of serious harm or is gravely disabled;

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program to which continued inpatient care is sought or is in need of less restrictive alternative treatment found to be in the best interests of the minor; and

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment((~~; and~~

~~(d) If commitment is for a substance use disorder, there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the minor~~)).

(11) If the court finds that the minor meets the criteria for a fourteen-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such

conditions as are necessary. If the court determines that the minor does not meet the criteria for a fourteen-day commitment, the minor shall be released.

(12) Nothing in this section prohibits the professional person in charge of the facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

(13) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for one hundred eighty-day commitment is pending before the court.

Sec. 276. RCW 71.34.750 and 2009 c 217 s 18 are each amended to read as follows:

(1) At any time during the minor's period of fourteen-day commitment, the professional person in charge may petition the court for an order requiring the minor to undergo an additional one hundred eighty-day period of treatment. The evidence in support of the petition shall be presented by the county prosecutor unless the petition is filed by the professional person in charge of a state-operated facility in which case the evidence shall be presented by the attorney general.

(2) The petition for one hundred eighty-day commitment shall contain the following:

(a) The name and address of the petitioner or petitioners;

(b) The name of the minor alleged to meet the criteria for one hundred eighty-day commitment;

(c) A statement that the petitioner is the professional person in charge of the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program responsible for the treatment of the minor;

(d) The date of the fourteen-day commitment order; and

(e) A summary of the facts supporting the petition.

(3) The petition shall be supported by accompanying affidavits signed by (a) two examining physicians, one of whom shall be a child psychiatrist, or two psychiatric advanced registered nurse practitioners, one of whom shall be a child and adolescent or family psychiatric advanced registered nurse practitioner, (b) one children's mental health specialist and either an examining physician or a psychiatric advanced registered nurse practitioner, or (c) an examining physician and a psychiatric advanced registered nurse practitioner, one of which needs to be a child psychiatrist or a child and adolescent psychiatric nurse practitioner. The affidavits shall describe in detail the behavior of the detained minor which supports the petition and shall state whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(4) The petition for one hundred eighty-day commitment shall be filed with the clerk of the court at least three days before the expiration of the fourteen-day commitment period. The petitioner or the petitioner's designee shall within twenty-four hours of filing serve a copy of the petition on the minor and notify the minor's attorney and the minor's parent. A copy of the petition shall be provided to such persons at least twenty-four hours prior to the hearing.

(5) At the time of filing, the court shall set a date within seven days for the hearing on the petition. The court may continue the hearing upon the written request of the minor or the minor's attorney for not more than ten days. The minor or the parents shall be afforded the same rights as in a fourteen-day commitment hearing. Treatment of the minor shall continue pending the proceeding.

(6) For one hundred eighty-day commitment((~~,~~)):

(a) The court must find by clear, cogent, and convincing evidence that the minor:

(((~~(a)~~))) (i) Is suffering from a mental disorder or substance use disorder;

(((~~(b)~~))) (ii) Presents a likelihood of serious harm or is gravely disabled; and

(((~~(c)~~))) (iii) Is in need of further treatment that only can be provided in a one hundred eighty-day commitment.

(b) If commitment is for a substance use disorder, the court must find that there is an available approved substance use disorder treatment program that has adequate space for the minor.

(7) If the court finds that the criteria for commitment are met and that less restrictive treatment in a community setting is not appropriate or available, the court shall order the minor committed to the custody of the secretary for further inpatient mental health treatment ((~~to the custody of the secretary~~)), to an approved substance use disorder treatment program for further substance use disorder treatment, or to a private treatment and evaluation facility for inpatient mental health or substance use disorder treatment if the minor's parents have assumed responsibility for payment for the treatment. If the court finds that a less restrictive alternative is in the best interest of the minor, the court shall order less restrictive alternative treatment upon such conditions as necessary.

If the court determines that the minor does not meet the criteria for one hundred eighty-day commitment, the minor shall be released.

(8) Successive one hundred eighty-day commitments are permissible on the same grounds and under the same procedures as the original one hundred eighty-day commitment. Such petitions shall be filed at least five days prior to the expiration of the previous one hundred eighty-day commitment order.

Sec. 277. RCW 71.34.750 and 2016 1st sp.s. c ... s 276 (section 276 of this act) are each amended to read as follows:

(1) At any time during the minor's period of fourteen-day commitment, the professional person in charge may petition the court for an order requiring the minor to undergo an additional one hundred eighty-day period of treatment. The evidence in support of the petition shall be presented by the county prosecutor unless the petition is filed by the professional person in charge of a state-operated facility in which case the evidence shall be presented by the attorney general.

(2) The petition for one hundred eighty-day commitment shall contain the following:

(a) The name and address of the petitioner or petitioners;

(b) The name of the minor alleged to meet the criteria for one hundred eighty-day commitment;

(c) A statement that the petitioner is the professional person in charge of the evaluation and treatment facility, secure detoxification facility, or approved

substance use disorder treatment program responsible for the treatment of the minor;

(d) The date of the fourteen-day commitment order; and

(e) A summary of the facts supporting the petition.

(3) The petition shall be supported by accompanying affidavits signed by (a) two examining physicians, one of whom shall be a child psychiatrist, or two psychiatric advanced registered nurse practitioners, one of whom shall be a child and adolescent or family psychiatric advanced registered nurse practitioner, (b) one children's mental health specialist and either an examining physician or a psychiatric advanced registered nurse practitioner, or (c) an examining physician and a psychiatric advanced registered nurse practitioner, one of which needs to be a child psychiatrist or a child and adolescent psychiatric nurse practitioner. The affidavits shall describe in detail the behavior of the detained minor which supports the petition and shall state whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(4) The petition for one hundred eighty-day commitment shall be filed with the clerk of the court at least three days before the expiration of the fourteen-day commitment period. The petitioner or the petitioner's designee shall within twenty-four hours of filing serve a copy of the petition on the minor and notify the minor's attorney and the minor's parent. A copy of the petition shall be provided to such persons at least twenty-four hours prior to the hearing.

(5) At the time of filing, the court shall set a date within seven days for the hearing on the petition. The court may continue the hearing upon the written request of the minor or the minor's attorney for not more than ten days. The minor or the parents shall be afforded the same rights as in a fourteen-day commitment hearing. Treatment of the minor shall continue pending the proceeding.

(6) For one hundred eighty-day commitment((~~:~~

~~(a)~~)), the court must find by clear, cogent, and convincing evidence that the minor:

(((~~(i)~~))) (a) Is suffering from a mental disorder or substance use disorder;

(((~~(ii)~~))) (b) Presents a likelihood of serious harm or is gravely disabled; and

(((~~(iii)~~))) (c) Is in need of further treatment that only can be provided in a one hundred eighty-day commitment.

((~~(b) If commitment is for a substance use disorder, the court must find that there is an available approved substance use disorder treatment program that has adequate space for the minor.~~))

(7) If the court finds that the criteria for commitment are met and that less restrictive treatment in a community setting is not appropriate or available, the court shall order the minor committed to the custody of the secretary for further inpatient mental health treatment, to an approved substance use disorder treatment program for further substance use disorder treatment, or to a private treatment and evaluation facility for inpatient mental health or substance use disorder treatment if the minor's parents have assumed responsibility for payment for the treatment. If the court finds that a less restrictive alternative is in the best interest of the minor, the court shall order less restrictive alternative treatment upon such conditions as necessary.

If the court determines that the minor does not meet the criteria for one hundred eighty-day commitment, the minor shall be released.

(8) Successive one hundred eighty-day commitments are permissible on the same grounds and under the same procedures as the original one hundred eighty-day commitment. Such petitions shall be filed at least five days prior to the expiration of the previous one hundred eighty-day commitment order.

Sec. 278. RCW 71.34.760 and 1985 c 354 s 10 are each amended to read as follows:

(1) If a minor is committed for one hundred eighty-day inpatient treatment and is to be placed in a state-supported program, the secretary shall accept immediately and place the minor in a state-funded long-term evaluation and treatment facility or state-funded approved substance use disorder treatment program.

(2) The secretary's placement authority shall be exercised through a designated placement committee appointed by the secretary and composed of children's mental health specialists and chemical dependency professionals, including at least one child psychiatrist who represents the state-funded, long-term, evaluation and treatment facility for minors and one chemical dependency professional who represents the state-funded approved substance use disorder treatment program. The responsibility of the placement committee will be to:

(a) Make the long-term placement of the minor in the most appropriate, available state-funded evaluation and treatment facility or approved substance use disorder treatment program, having carefully considered factors including the treatment needs of the minor, the most appropriate facility able to respond to the minor's identified treatment needs, the geographic proximity of the facility to the minor's family, the immediate availability of bed space, and the probable impact of the placement on other residents of the facility;

(b) Approve or deny requests from treatment facilities for transfer of a minor to another facility;

(c) Receive and monitor reports required under this section;

(d) Receive and monitor reports of all discharges.

(3) The secretary may authorize transfer of minors among treatment facilities if the transfer is in the best interests of the minor or due to treatment priorities.

(4) The responsible state-funded evaluation and treatment facility or approved substance use disorder treatment program shall submit a report to the department's designated placement committee within ninety days of admission and no less than every one hundred eighty days thereafter, setting forth such facts as the department requires, including the minor's individual treatment plan and progress, recommendations for future treatment, and possible less restrictive treatment.

Sec. 279. RCW 71.34.780 and 1985 c 354 s 11 are each amended to read as follows:

(1) If the professional person in charge of an outpatient treatment program, a ((~~county-designated mental health professional~~)) designated crisis responder, or the secretary determines that a minor is failing to adhere to the conditions of the court order for less restrictive alternative treatment or the conditions for the conditional release, or that substantial deterioration in the minor's functioning has occurred, the ((~~county-designated mental health professional~~)) designated crisis responder, or the secretary may order that the minor, if committed for

mental health treatment, be taken into custody and transported to an inpatient evaluation and treatment facility or, if committed for substance use disorder treatment, be taken into custody and transported to a secure detoxification facility or approved substance use disorder treatment program if there is an available secure detoxification facility or approved substance use disorder treatment program that has adequate space for the minor.

(2) The ((~~county-designated mental health professional~~)) designated crisis responder or the secretary shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The ((~~county-designated mental health professional~~)) designated crisis responder or the secretary may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(3) A petition for revocation of less restrictive alternative treatment shall be filed by the ((~~county-designated mental health professional~~)) designated crisis responder or the secretary with the court in the county ordering the less restrictive alternative treatment. The court shall conduct the hearing in that county. A petition for revocation of conditional release may be filed with the court in the county ordering inpatient treatment or the county where the minor on conditional release is residing. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. Upon motion for good cause, the hearing may be transferred to the county of the minor's residence or to the county in which the alleged violations occurred. The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or, subject to subsection (4) of this section, whether the minor should be returned to inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be returned to inpatient treatment. If the minor is returned to inpatient treatment, RCW 71.34.760 regarding the secretary's placement responsibility shall apply. The hearing may be waived by the minor and the minor returned to inpatient treatment or to less restrictive alternative treatment or conditional release on the same or modified conditions.

(4) A court may not order the return of a minor to inpatient treatment in a secure detoxification facility or approved substance use disorder treatment program unless there is a secure detoxification facility or approved substance use disorder treatment program available with adequate space for the minor.

Sec. 280. RCW 71.34.780 and 2016 1st sp.s. c ... s 279 (section 279 of this act) are each amended to read as follows:

(1) If the professional person in charge of an outpatient treatment program, a designated crisis responder, or the secretary determines that a minor is failing to adhere to the conditions of the court order for less restrictive alternative treatment or the conditions for the conditional release, or that substantial deterioration in the minor's functioning has occurred, the designated crisis

responder, or the secretary may order that the minor, if committed for mental health treatment, be taken into custody and transported to an inpatient evaluation and treatment facility or, if committed for substance use disorder treatment, be taken into custody and transported to a secure detoxification facility or approved substance use disorder treatment program ((~~if there is an available secure detoxification facility or approved substance use disorder treatment program that has adequate space for the minor~~)).

(2) The designated crisis responder or the secretary shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The designated crisis responder or the secretary may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(3) A petition for revocation of less restrictive alternative treatment shall be filed by the designated crisis responder or the secretary with the court in the county ordering the less restrictive alternative treatment. The court shall conduct the hearing in that county. A petition for revocation of conditional release may be filed with the court in the county ordering inpatient treatment or the county where the minor on conditional release is residing. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. Upon motion for good cause, the hearing may be transferred to the county of the minor's residence or to the county in which the alleged violations occurred. The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or((~~, subject to subsection (4) of this section,~~)) whether the minor should be returned to inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be returned to inpatient treatment. If the minor is returned to inpatient treatment, RCW 71.34.760 regarding the secretary's placement responsibility shall apply. The hearing may be waived by the minor and the minor returned to inpatient treatment or to less restrictive alternative treatment or conditional release on the same or modified conditions.

(((~~(4) A court may not order the return of a minor to inpatient treatment in a secure detoxification facility or approved substance use disorder treatment program unless there is a secure detoxification facility or approved substance use disorder treatment program available with adequate space for the minor.~~))

Sec. 281. RCW 9.41.098 and 2003 c 39 s 5 are each amended to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed

pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) In the possession of a person prohibited from possessing the firearm under RCW 9.41.040 or 9.41.045;

(d) In the possession or under the control of a person at the time the person committed or was arrested for committing a felony or committing a nonfelony crime in which a firearm was used or displayed;

(e) In the possession of a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, as defined in chapter 46.61 RCW;

(f) In the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a felony or for a nonfelony crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) In the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 RCW or committed for mental health treatment under chapter 71.05 RCW;

(h) Used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Used in the commission of a felony or of a nonfelony crime in which a firearm was used or displayed.

(2) Upon order of forfeiture, the court in its discretion may order destruction of any forfeited firearm. A court may temporarily retain forfeited firearms needed for evidence.

(a) Except as provided in (b), (c), and (d) of this subsection, firearms that are: (i) Judicially forfeited and no longer needed for evidence; or (ii) forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010; may be disposed of in any manner determined by the local legislative authority. Any proceeds of an auction or trade may be retained by the legislative authority. This subsection (2)(a) applies only to firearms that come into the possession of the law enforcement agency after June 30, 1993.

By midnight, June 30, 1993, every law enforcement agency shall prepare an inventory, under oath, of every firearm that has been judicially forfeited, has been seized and may be subject to judicial forfeiture, or that has been, or may be, forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010.

(b) Except as provided in (c) of this subsection, of the inventoried firearms a law enforcement agency shall destroy illegal firearms, may retain a maximum of ten percent of legal forfeited firearms for agency use, and shall either:

(i) Comply with the provisions for the auction of firearms in RCW 9.41.098 that were in effect immediately preceding May 7, 1993; or

(ii) Trade, auction, or arrange for the auction of, rifles and shotguns. In addition, the law enforcement agency shall either trade, auction, or arrange for the auction of, short firearms, or shall pay a fee of twenty-five dollars to the state treasurer for every short firearm neither auctioned nor traded, to a maximum of fifty thousand dollars. The fees shall be accompanied by an inventory, under oath, of every short firearm listed in the inventory required by (a) of this

subsection, that has been neither traded nor auctioned. The state treasurer shall credit the fees to the firearms range account established in RCW 79A.25.210. All trades or auctions of firearms under this subsection shall be to licensed dealers. Proceeds of any auction less costs, including actual costs of storage and sale, shall be forwarded to the firearms range account established in RCW 79A.25.210.

(c) Antique firearms and firearms recognized as curios, relics, and firearms of particular historical significance by the United States treasury department bureau of alcohol, tobacco, ((~~and~~)) firearms, and explosives are exempt from destruction and shall be disposed of by auction or trade to licensed dealers.

(d) Firearms in the possession of the Washington state patrol on or after May 7, 1993, that are judicially forfeited and no longer needed for evidence, or forfeited due to a failure to make a claim under RCW 63.35.020, must be disposed of as follows: (i) Firearms illegal for any person to possess must be destroyed; (ii) the Washington state patrol may retain a maximum of ten percent of legal firearms for agency use; and (iii) all other legal firearms must be auctioned or traded to licensed dealers. The Washington state patrol may retain any proceeds of an auction or trade.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.

PART III
REPEALERS FOR INTEGRATED SYSTEM

NEW SECTION. **Sec. 301.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective April 1, 2018:

(1) RCW 70.96A.011 (Legislative finding and intent—Purpose of chapter) and 2014 c 225 s 19 & 1989 c 270 s 1;

(2) RCW 70.96A.020 (Definitions) and 2016 1st sp.s. c . . . s 101 (section 101 of this act), 2014 c 225 s 20, 2001 c 13 s 1, & 1998 c 296 s 22;

(3) RCW 70.96A.095 (Age of consent—Outpatient treatment of minors for chemical dependency) and 1998 c 296 s 23, 1996 c 133 s 34, 1995 c 312 s 47, 1991 c 364 s 9, & 1989 c 270 s 24;

(4) RCW 70.96A.096 (Notice to parents, school contacts for referring students to inpatient treatment) and 1996 c 133 s 5;

(5) RCW 70.96A.097 (Review of admission and inpatient treatment of minors—Determination of medical necessity—Department review—Minor declines necessary treatment—At-risk youth petition—Costs—Public funds) and 1998 c 296 s 28, & 1995 c 312 s 48;

(6) RCW 70.96A.110 (Voluntary treatment of individuals with a substance use disorder) and 2014 c 225 s 28, 1990 c 151 s 7, 1989 c 270 s 25, & 1972 ex.s. c 122 s 11;

(7) RCW 70.96A.120 (Treatment programs and facilities—Admissions—Peace officer duties—Protective custody) and 1991 c 290 s 6, 1990 c 151 s 8, 1989 c 271 s 306, 1987 c 439 s 13, 1977 ex.s. c 62 s 1, 1974 ex.s. c 175 s 1, & 1972 ex.s. c 122 s 12;

(8) RCW 70.96A.140 (Involuntary commitment) and 2016 1st sp.s. c . . . s 102 (section 102 of this act), 2014 c 225 s 29, 2001 c 13 s 3, 1995 c 312 s 49, 1993 c 362 s 1, 1991 c 364 s 10, 1990 c 151 s 3, 1989 c 271 s 307, 1987 c 439 s 14, 1977 ex.s. c 129 s 1, 1974 ex.s. c 175 s 2, & 1972 ex.s. c 122 s 14;

(9) RCW 70.96A.141 (Joinder of petitions for commitment) and 2005 c 504 s 304;

(10) RCW 70.96A.142 (Evaluation by designated chemical dependency specialist—When required—Required notifications) and 2004 c 166 s 15;

(11) RCW 70.96A.145 (Involuntary commitment proceedings—Prosecuting attorney may represent specialist or program) and 2016 1st sp.s. c . . . s 103 (section 103 of this act) & 1993 c 137 s 1;

(12) RCW 70.96A.148 (Detention, commitment duties—Designation of county designated mental health professional) and 2001 c 13 s 4;

(13) RCW 70.96A.155 (Court-ordered treatment—Required notifications) and 2004 c 166 s 13;

(14) RCW 70.96A.157 (Persons subject to court-ordered treatment or supervision—Documentation) and 2005 c 504 s 508;

(15) RCW 70.96A.160 (Visitation and communication with patients) and 1989 c 270 s 29 & 1972 ex.s. c 122 s 16;

(16) RCW 70.96A.180 (Payment for treatment—Financial ability of patients) and 2012 c 117 s 413, 1990 c 151 s 6, 1989 c 270 s 31, & 1972 ex.s. c 122 s 18;

(17) RCW 70.96A.230 (Minor—When outpatient treatment provider must give notice to parents) and 2016 1st sp.s. c . . . s 104 (section 104 of this act) & 1998 c 296 s 24;

(18) RCW 70.96A.235 (Minor—Parental consent for inpatient treatment—Exception) and 1998 c 296 s 25;

(19) RCW 70.96A.240 (Minor—Parent not liable for payment unless consented to treatment—No right to public funds) and 1998 c 296 s 26;

(20) RCW 70.96A.245 (Minor—Parent may request determination whether minor has chemical dependency requiring inpatient treatment—Minor consent not required—Duties and obligations of professional person and facility) and 1998 c 296 s 27;

(21) RCW 70.96A.250 (Minor—Parent may request determination whether minor has chemical dependency requiring outpatient treatment—Consent of minor not required—Discharge of minor) and 1998 c 296 s 29;

(22) RCW 70.96A.255 (Minor—Petition to superior court for release from facility) and 1998 c 296 s 30;

(23) RCW 70.96A.260 (Minor—Not released by petition under RCW 70.96A.255—Release within thirty days—Professional may initiate proceedings to stop release) and 1998 c 296 s 31;

(24) RCW 70.96A.265 (Minor—Eligibility for medical assistance under chapter 74.09 RCW—Payment by department) and 1998 c 296 s 32;

(25) RCW 70.96A.910 (Application—Construction—1972 ex.s. c 122) and 1972 ex.s. c 122 s 22;

(26) RCW 70.96A.915 (Department allocation of funds—Construction) and 1989 c 271 s 309;

(27) RCW 70.96A.920 (Severability—1972 ex.s. c 122) and 1972 ex.s. c 122 s 20;

(28) RCW 70.96A.930 (Section, subsection headings not part of law) and 1972 ex.s. c 122 s 27;

(29) RCW 70.96B.010 (Definitions) and 2014 c 225 s 74, 2011 c 89 s 10, 2008 c 320 s 3, & 2005 c 504 s 202;

(30) RCW 70.96B.020 (Selection of areas for pilot programs—Pilot program requirements) and 2014 c 225 s 75 & 2005 c 504 s 203;

(31) RCW 70.96B.030 (Designated crisis responder—Qualifications) and 2014 c 225 s 76 & 2005 c 504 s 204;

(32) RCW 70.96B.040 (Powers of designated crisis responder) and 2005 c 504 s 205;

(33) RCW 70.96B.045 (Emergency custody—Procedure) and 2007 c 120 s 2;

(34) RCW 70.96B.050 (Petition for initial detention—Order to detain for evaluation and treatment period—Procedure) and 2008 c 320 s 5, 2007 c 120 s 1, & 2005 c 504 s 206;

(35) RCW 70.96B.060 (Exemption from liability) and 2005 c 504 s 207;

(36) RCW 70.96B.070 (Detention period for evaluation and treatment) and 2005 c 504 s 208;

(37) RCW 70.96B.080 (Detention for evaluation and treatment of mental disorder—Chapter 71.05 RCW applies) and 2005 c 504 s 209;

(38) RCW 70.96B.090 (Procedures for additional chemical dependency treatment) and 2005 c 504 s 210;

(39) RCW 70.96B.100 (Detention for involuntary chemical dependency treatment—Petition for less restrictive treatment—Appearance before court—Representation—Hearing—Less restrictive order—Failure to adhere to terms of less restrictive order) and 2008 c 320 s 6 & 2005 c 504 s 211;

(40) RCW 70.96B.110 (Involuntary chemical dependency treatment proceedings—Prosecuting attorney shall represent petitioner) and 2005 c 504 s 212;

(41) RCW 70.96B.120 (Rights of involuntarily detained persons) and 2005 c 504 s 213;

(42) RCW 70.96B.130 (Evaluation by designated crisis responder—When required—Required notifications) and 2005 c 504 s 214;

(43) RCW 70.96B.140 (Secretary may adopt rules) and 2005 c 504 s 215;

(44) RCW 70.96B.150 (Application of RCW 71.05.550) and 2005 c 504 s 216;

(45) RCW 70.96B.800 (Evaluation of pilot programs—Reports) and 2008 c 320 s 2 & 2005 c 504 s 217; and

(46) RCW 71.05.032 (Joinder of petitions for commitment) and 2005 c 504 s 115.

PART IV
CORRECTIONS TO REFERENCES FOR INTEGRATED SYSTEM

Sec. 401. RCW 4.24.558 and 2004 c 166 s 21 are each amended to read as follows:

Information shared and actions taken without gross negligence and in good faith compliance with RCW 71.05.445, 72.09.585, ((~~70.96A.142,~~)) 71.05.157, or 72.09.315 are not a basis for any private civil cause of action.

Sec. 402. RCW 5.60.060 and 2012 c 29 s 12 are each amended to read as follows:

(1) A spouse or domestic partner shall not be examined for or against his or her spouse or domestic partner, without the consent of the spouse or domestic partner; nor can either during marriage or during the domestic partnership or afterward, be without the consent of the other, examined as to any communication made by one to the other during the marriage or the domestic partnership. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse or domestic partner if the marriage or the domestic partnership occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said spouse or domestic partner against any child of whom said spouse or domestic partner is the parent or guardian, nor to a proceeding under chapter ((~~70.96A, 70.96B,~~)) 71.05((~~,~~)) or 71.09 RCW: PROVIDED, That the spouse or the domestic partner of a person sought to be detained under chapter ((~~70.96A, 70.96B,~~)) 71.05((~~,~~)) or 71.09 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2)(a) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(b) A parent or guardian of a minor child arrested on a criminal charge may not be examined as to a communication between the child and his or her attorney if the communication was made in the presence of the parent or guardian. This privilege does not extend to communications made prior to the arrest.

(3) A member of the clergy, a Christian Science practitioner listed in the Christian Science Journal, or a priest shall not, without the consent of a person making the confession or sacred confidence, be examined as to any confession or sacred confidence made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW ((~~70.96A.140 or~~)) 71.05.360 (8) and (9), a physician or surgeon or osteopathic physician or surgeon or podiatric physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of

the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

(6)(a) A peer support group counselor shall not, without consent of the law enforcement officer or firefighter making the communication, be compelled to testify about any communication made to the counselor by the officer or firefighter while receiving counseling. The counselor must be designated as such by the sheriff, police chief, fire chief, or chief of the Washington state patrol, prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer or firefighter, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer or firefighter.

(b) For purposes of this section, "peer support group counselor" means a:

(i) Law enforcement officer, firefighter, civilian employee of a law enforcement agency, or civilian employee of a fire department, who has received training to provide emotional and moral support and counseling to an officer or firefighter who needs those services as a result of an incident in which the officer or firefighter was involved while acting in his or her official capacity; or

(ii) Nonemployee counselor who has been designated by the sheriff, police chief, fire chief, or chief of the Washington state patrol to provide emotional and moral support and counseling to an officer or firefighter who needs those services as a result of an incident in which the officer or firefighter was involved while acting in his or her official capacity.

(7) A sexual assault advocate may not, without the consent of the victim, be examined as to any communication made between the victim and the sexual assault advocate.

(a) For purposes of this section, "sexual assault advocate" means the employee or volunteer from a community sexual assault program or underserved populations provider, victim assistance unit, program, or association, that provides information, medical or legal advocacy, counseling, or support to victims of sexual assault, who is designated by the victim to accompany the victim to the hospital or other health care facility and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings.

(b) A sexual assault advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any sexual assault advocate participating in good faith in the disclosing of records and communications under this section shall have immunity from any liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this section, the good faith of the sexual assault advocate who disclosed the confidential communication shall be presumed.

(8) A domestic violence advocate may not, without the consent of the victim, be examined as to any communication between the victim and the domestic violence advocate.

(a) For purposes of this section, "domestic violence advocate" means an employee or supervised volunteer from a community-based domestic violence program or human services program that provides information, advocacy, counseling, crisis intervention, emergency shelter, or support to victims of domestic violence and who is not employed by, or under the direct supervision of, a law enforcement agency, a prosecutor's office, or the child protective services section of the department of social and health services as defined in RCW 26.44.020.

(b) A domestic violence advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. This section does not relieve a domestic violence advocate from the requirement to report or cause to be reported an incident under RCW 26.44.030(1) or to disclose relevant records relating to a child as required by RCW 26.44.030((~~(12)~~)) (14). Any domestic violence advocate participating in good faith in the disclosing of communications under this subsection is immune from liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this subsection, the good faith of the domestic violence advocate who disclosed the confidential communication shall be presumed.

(9) A mental health counselor, independent clinical social worker, or marriage and family therapist licensed under chapter 18.225 RCW may not disclose, or be compelled to testify about, any information acquired from persons consulting the individual in a professional capacity when the information was necessary to enable the individual to render professional services to those persons except:

(a) With the written authorization of that person or, in the case of death or disability, the person's personal representative;

(b) If the person waives the privilege by bringing charges against the mental health counselor licensed under chapter 18.225 RCW;

(c) In response to a subpoena from the secretary of health. The secretary may subpoena only records related to a complaint or report under RCW 18.130.050;

(d) As required under chapter 26.44 or 74.34 RCW or RCW 71.05.360 (8) and (9); or

(e) To any individual if the mental health counselor, independent clinical social worker, or marriage and family therapist licensed under chapter 18.225 RCW reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the individual or any other individual; however, there is no obligation on the part of the provider to so disclose.

Sec. 403. RCW 9.41.280 and 2014 c 225 s 56 are each amended to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "nun-chu-ka sticks," consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars," which are multipointed, metal objects designed to embed upon impact from any aspect;

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or

(f)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the designated ((~~mental health professional~~)) crisis responder unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the designated ((~~mental health professional~~)) crisis responder for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The designated ((~~mental health professional~~)) crisis responder shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

((~~The designated mental health professional may determine whether to refer the person to the county-designated chemical dependency specialist for~~

~~examination and evaluation in accordance with chapter 70.96A RCW. The county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 70.96A RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.~~))

Upon completion of any examination by the designated ((~~mental health professional or the county-designated chemical dependency specialist~~)) crisis responder, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The designated ((~~mental health professional and county-designated chemical dependency specialist~~)) crisis responder shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the designated ((~~mental health professional~~)) crisis responder determines it is appropriate, the designated ((~~mental health professional~~)) crisis responder may refer the person to the local behavioral health organization for follow-up services or the department of social and health services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;

(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

(6) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(7) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

Sec. 404. RCW 9.95.143 and 2004 c 166 s 10 are each amended to read as follows:

When an offender receiving court-ordered mental health or chemical dependency treatment or treatment ordered by the department of corrections presents for treatment from a mental health or chemical dependency treatment provider, the offender must disclose to the mental health or chemical dependency treatment provider whether he or she is subject to supervision by the department of corrections. If an offender has received relief from disclosure pursuant to RCW 9.94A.562((~~, 70.96A.155,~~)) or 71.05.132, the offender must provide the mental health or chemical dependency treatment provider with a copy of the order granting the relief.

Sec. 405. RCW 10.77.010 and 2014 c 225 s 58 are each amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

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

(3) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

(4) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(5) "Department" means the state department of social and health services.

(6) "Designated ((~~mental health professional~~)) crisis responder" has the same meaning as provided in RCW 71.05.020.

(7) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

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

(9) "Developmental disability" means the condition as defined in RCW 71A.10.020((~~(4)~~)) (5).

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

(11) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

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

(13) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

(14) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

(15) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(16) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

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

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

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

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

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

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

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

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

(18) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; or

(c) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

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

(20) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

(21) "Secretary" means the secretary of the department of social and health services or his or her designee.

(22) "Treatment" means any currently standardized medical or mental health procedure including medication.

(23) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(24) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

Sec. 406. RCW 10.77.025 and 2000 c 94 s 13 are each amended to read as follows:

(1) Whenever any person has been: (a) Committed to a correctional facility or inpatient treatment under any provision of this chapter; or (b) ordered to undergo alternative treatment following his or her acquittal by reason of insanity of a crime charged, such commitment or treatment cannot exceed the maximum possible penal sentence for any offense charged for which the person was committed, or was acquitted by reason of insanity.

(2) Whenever any person committed under any provision of this chapter has not been released within seven days of the maximum possible penal sentence under subsection (1) of this section, and the professional person in charge of the

facility believes that the person presents a likelihood of serious harm or is gravely disabled due to a mental disorder, the professional person shall, prior to the expiration of the maximum penal sentence, notify the appropriate ((~~county~~)) designated ((~~mental health professional~~)) crisis responder of the impending expiration and provide a copy of all relevant information regarding the person, including the likely release date and shall indicate why the person should not be released.

(3) A ((~~county~~)) designated ((~~mental health professional~~)) crisis responder who receives notice and records under subsection (2) of this section shall, prior to the date of the expiration of the maximum sentence, determine whether to initiate proceedings under chapter 71.05 RCW.

Sec. 407. RCW 10.77.027 and 2004 c 166 s 3 are each amended to read as follows:

When a ((~~county~~)) designated ((~~mental health professional~~)) crisis responder or a professional person has determined that a person has a mental disorder, and is otherwise committable, the cause of the person's mental disorder shall not make the person ineligible for commitment under chapter 71.05 RCW.

Sec. 408. RCW 10.77.060 and 2012 c 256 s 3 are each amended to read as follows:

(1)(a) Whenever a defendant has pleaded not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(b) The signed order of the court shall serve as authority for the evaluator to be given access to all records held by any mental health, medical, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. If the court is advised by any party that the defendant may have a developmental disability, the evaluation must be performed by a developmental disabilities professional.

(c) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator to request the jail or detention facility to transport the defendant to a hospital or secure mental health facility for a period of commitment not to exceed fifteen days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

(d) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if: (i) The defendant is charged with murder in the first or second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or (iii) the court finds that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation.

(e) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the expiration of the authorized commitment period.

(f) When a defendant is ordered to be committed for inpatient evaluation under this subsection (1), the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the evaluator regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the evaluation shall include the following:

(a) A description of the nature of the evaluation;

(b) A diagnosis or description of the current mental status of the defendant;

(c) If the defendant suffers from a mental disease or defect, or has a developmental disability, an opinion as to competency;

(d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3)(d) unless the evaluator or court determines that the defendant is competent to stand trial;

(e) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant should be evaluated by a designated ((~~mental health professional~~)) crisis responder under chapter 71.05 RCW.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

Sec. 409. RCW 10.77.065 and 2015 1st sp.s. c 7 s 16 are each amended to read as follows:

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

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

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

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

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

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

(2) The designated ((~~mental health professional~~)) crisis responder shall provide written notification within twenty-four hours of the results of the determination whether to commence proceedings under chapter 71.05 RCW.

The notification shall be provided to the persons identified in subsection (1)(a) of this section.

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

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

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

Sec. 410. RCW 10.77.084 and 2015 1st sp.s. c 7 s 4 are each amended to read as follows:

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

(b) The court may order a defendant who has been found to be incompetent to undergo competency restoration treatment at a facility designated by the department if the defendant is eligible under RCW 10.77.086 or 10.77.088. At the end of each competency restoration period or at any time a professional person determines competency has been, or is unlikely to be, restored, the defendant shall be returned to court for a hearing, except that if the opinion of the professional person is that the defendant remains incompetent and the hearing is held before the expiration of the current competency restoration period, the parties may agree to waive the defendant's presence, to remote participation by the defendant at a hearing, or to presentation of an agreed order in lieu of a hearing. The facility shall promptly notify the court and all parties of the date on which the competency restoration period commences and expires so that a timely hearing date may be scheduled.

(c) If, following notice and hearing or entry of an agreed order under (b) of this subsection, the court finds that competency has been restored, the court shall lift the stay entered under (a) of this subsection. If the court finds that competency has not been restored, the court shall dismiss the proceedings without prejudice, except that the court may order a further period of competency restoration treatment if it finds that further treatment within the time limits established by RCW 10.77.086 or 10.77.088 is likely to restore competency, and a further period of treatment is allowed under RCW 10.77.086 or 10.77.088.

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

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

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

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

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

Sec. 411. RCW 10.77.088 and 2015 1st sp.s. c 7 s 6 are each amended to read as follows:

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

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

(ii) May alternatively order the defendant to undergo evaluation and treatment at some other facility or provider as determined by the department, or under the guidance and control of a professional person. The facilities or providers may include community mental health providers or other local facilities that contract with the department and are willing and able to provide treatment under this section. During the 2015-2017 fiscal biennium, the department may contract with one or more cities or counties to provide competency restoration services in a city or county jail if the city or county jail is willing and able to serve as a location for competency restoration services and if the secretary determines that there is an emergent need for beds and documents the justification, including a plan to address the emergency. Patients receiving competency restoration services in a city or county jail must be physically separated from other populations at the jail and restoration treatment services must be provided as much as possible within a therapeutic environment. The placement under (a)(i) and (ii) of this subsection shall not exceed fourteen days in addition to any unused time of the evaluation under RCW 10.77.060. The court shall compute this total period and include its computation in the order.

The fourteen-day period plus any unused time of the evaluation under RCW 10.77.060 shall be considered to include only the time the defendant is actually at the facility and shall be in addition to reasonable time for transport to or from the facility;

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

(iv) May order any combination of this subsection.

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

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

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

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

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

Sec. 412. RCW 11.92.190 and 1996 c 249 s 11 are each amended to read as follows:

No residential treatment facility which provides nursing or other care may detain a person within such facility against their will. Any court order, other than an order issued in accordance with the involuntary treatment provisions of chapters 10.77, 71.05, and 72.23 RCW, which purports to authorize such involuntary detention or purports to authorize a guardian or limited guardian to consent to such involuntary detention on behalf of an incapacitated person shall be void and of no force or effect. This section does not apply to the detention of a minor as provided in chapter ((~~70.96A or~~)) 71.34 RCW.

Nothing in this section shall be construed to require a court order authorizing placement of an incapacitated person in a residential treatment facility if such order is not otherwise required by law: PROVIDED, That notice of any residential placement of an incapacitated person shall be served, either before or after placement, by the guardian or limited guardian on such person, the guardian ad litem of record, and any attorney of record.

Sec. 413. RCW 43.185C.255 and 2015 c 69 s 12 are each amended to read as follows:

(1) The purpose of the multidisciplinary team is to assist in a coordinated referral of the family to available social and health-related services.

(2) The team shall have the authority to evaluate the juvenile, and family members, if appropriate and agreed to by the parent, and shall:

(a) With parental input, develop a plan of appropriate available services and assist the family in obtaining those services;

(b) Make a referral to the designated((~~, chemical dependency specialist or the county designated mental health professional~~)) crisis responder, if appropriate;

(c) Recommend no further intervention because the juvenile and his or her family have resolved the problem causing the family conflict; or

(d) With the parent's consent, work with them to achieve reconciliation of the child and family.

(3) At the first meeting of the multidisciplinary team, it shall choose a member to coordinate the team's efforts. The parent member of the multidisciplinary team must agree with the choice of coordinator. The team shall meet or communicate as often as necessary to assist the family.

(4) The coordinator of the multidisciplinary team may assist in filing a child in need of services petition when requested by the parent or child or an at-risk youth petition when requested by the parent. The multidisciplinary team shall have no standing as a party in any action under this title.

(5) If the administrator is unable to contact the child's parent, the multidisciplinary team may be used for assistance. If the parent has not been contacted within five days the administrator shall contact the department of social and health services and request the case be reviewed for a dependency filing under chapter 13.34 RCW.

Sec. 414. RCW 18.83.110 and 2005 c 504 s 706 are each amended to read as follows:

Confidential communications between a client and a psychologist shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client, but this exception is subject to the limitations under RCW ((~~70.96A.140 and~~)) 71.05.360 (8) and (9).

Sec. 415. RCW 43.20A.025 and 1998 c 296 s 34 are each amended to read as follows:

The department of social and health services shall adopt rules defining "appropriately trained professional person" for the purposes of conducting mental health and chemical dependency evaluations under RCW ((~~71.34.052(3), 71.34.054(1), 70.96A.245(3), and 70.96A.250(1)~~)) 71.34.600(3) and 71.34.650(1).

Sec. 416. RCW 70.02.010 and 2014 c 225 s 70 and 2014 c 220 s 4 are each reenacted and amended to read as follows:

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

(1) "Admission" has the same meaning as in RCW 71.05.020.

(2) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

(a) Statutory, regulatory, fiscal, medical, or scientific standards;

(b) A private or public program of payments to a health care provider; or

(c) Requirements for licensing, accreditation, or certification.

(3) "Commitment" has the same meaning as in RCW 71.05.020.

(4) "Custody" has the same meaning as in RCW 71.05.020.

(5) "Deidentified" means health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

(6) "Department" means the department of social and health services.

(7) "Designated ((~~mental health professional~~)) crisis responder" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(8) "Detention" or "detain" has the same meaning as in RCW 71.05.020.

(9) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, location within a health care facility, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(10) "Discharge" has the same meaning as in RCW 71.05.020.

(11) "Evaluation and treatment facility" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(12) "Federal, state, or local law enforcement authorities" means an officer of any agency or authority in the United States, a state, a tribe, a territory, or a political subdivision of a state, a tribe, or a territory who is empowered by law to: (a) Investigate or conduct an official inquiry into a potential criminal violation of law; or (b) prosecute or otherwise conduct a criminal proceeding arising from an alleged violation of law.

(13) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

(14) "Health care" means any care, service, or procedure provided by a health care provider:

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or any function of the human body.

(15) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

(16) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including a patient's deoxyribonucleic acid and identified sequence of chemical base pairs. The term includes any required accounting of disclosures of health care information.

(17) "Health care operations" means any of the following activities of a health care provider, health care facility, or third-party payor to the extent that

the activities are related to functions that make an entity a health care provider, a health care facility, or a third-party payor:

(a) Conducting: Quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, if the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

(b) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance and third-party payor performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of nonhealth care professionals, accreditation, certification, licensing, or credentialing activities;

(c) Underwriting, premium rating, and other activities relating to the creation, renewal, or replacement of a contract of health insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care, including stop-loss insurance and excess of loss insurance, if any applicable legal requirements are met;

(d) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

(e) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the health care facility or third-party payor, including formulary development and administration, development, or improvement of methods of payment or coverage policies; and

(f) Business management and general administrative activities of the health care facility, health care provider, or third-party payor including, but not limited to:

(i) Management activities relating to implementation of and compliance with the requirements of this chapter;

(ii) Customer service, including the provision of data analyses for policy holders, plan sponsors, or other customers, provided that health care information is not disclosed to such policy holder, plan sponsor, or customer;

(iii) Resolution of internal grievances;

(iv) The sale, transfer, merger, or consolidation of all or part of a health care provider, health care facility, or third-party payor with another health care provider, health care facility, or third-party payor or an entity that following such activity will become a health care provider, health care facility, or third-party payor, and due diligence related to such activity; and

(v) Consistent with applicable legal requirements, creating deidentified health care information or a limited dataset for the benefit of the health care provider, health care facility, or third-party payor.

(18) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(19) "Human immunodeficiency virus" or "HIV" has the same meaning as in RCW 70.24.017.

(20) "Imminent" has the same meaning as in RCW 71.05.020.

(21) "Information and records related to mental health services" means a type of health care information that relates to all information and records compiled, obtained, or maintained in the course of providing services by a mental health service agency or mental health professional to persons who are receiving or have received services for mental illness. The term includes mental health information contained in a medical bill, registration records, as defined in RCW 71.05.020, and all other records regarding the person maintained by the department, by regional support networks and their staff, and by treatment facilities. The term further includes documents of legal proceedings under chapter 71.05, 71.34, or 10.77 RCW, or somatic health care information. For health care information maintained by a hospital as defined in RCW 70.41.020 or a health care facility or health care provider that participates with a hospital in an organized health care arrangement defined under federal law, "information and records related to mental health services" is limited to information and records of services provided by a mental health professional or information and records of services created by a hospital-operated ((~~community mental~~)) behavioral health program as defined in RCW 71.24.025(((~~(6)~~))). The term does not include psychotherapy notes.

(22) "Information and records related to sexually transmitted diseases" means a type of health care information that relates to the identity of any person upon whom an HIV antibody test or other sexually transmitted infection test is performed, the results of such tests, and any information relating to diagnosis of or treatment for any confirmed sexually transmitted infections.

(23) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

(24) "Legal counsel" has the same meaning as in RCW 71.05.020.

(25) "Local public health officer" has the same meaning as in RCW 70.24.017.

(26) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

(27) "Mental health professional" means a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary of social and health services under chapter 71.05 RCW, whether that person works in a private or public setting.

(28) "Mental health service agency" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 or 71.34.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.34.020, community mental health service delivery systems, or ((~~community mental~~)) behavioral health programs, as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(29) "Minor" has the same meaning as in RCW 71.34.020.

(30) "Parent" has the same meaning as in RCW 71.34.020.

(31) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

(32) "Payment" means:

(a) The activities undertaken by:

(i) A third-party payor to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits by the third-party payor; or

(ii) A health care provider, health care facility, or third-party payor, to obtain or provide reimbursement for the provision of health care; and

(b) The activities in (a) of this subsection that relate to the patient to whom health care is provided and that include, but are not limited to:

(i) Determinations of eligibility or coverage, including coordination of benefits or the determination of cost-sharing amounts, and adjudication or subrogation of health benefit claims;

(ii) Risk adjusting amounts due based on enrollee health status and demographic characteristics;

(iii) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, including stop-loss insurance and excess of loss insurance, and related health care data processing;

(iv) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

(v) Utilization review activities, including precertification and preauthorization of services, and concurrent and retrospective review of services; and

(vi) Disclosure to consumer reporting agencies of any of the following health care information relating to collection of premiums or reimbursement:

(A) Name and address;

(B) Date of birth;

(C) Social security number;

(D) Payment history;

(E) Account number; and

(F) Name and address of the health care provider, health care facility, and/or third-party payor.

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

(34) "Professional person" has the same meaning as in RCW 71.05.020.

(35) "Psychiatric advanced registered nurse practitioner" has the same meaning as in RCW 71.05.020.

(36) "Psychotherapy notes" means notes recorded, in any medium, by a mental health professional documenting or analyzing the contents of conversations during a private counseling session or group, joint, or family counseling session, and that are separated from the rest of the individual's medical record. The term excludes mediation prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: Diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.

(37) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and

fifty cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

(38) "Release" has the same meaning as in RCW 71.05.020.

(39) "Resource management services" has the same meaning as in RCW 71.05.020.

(40) "Serious violent offense" has the same meaning as in RCW 71.05.020.

(41) "Sexually transmitted infection" or "sexually transmitted disease" has the same meaning as "sexually transmitted disease" in RCW 70.24.017.

(42) "Test for a sexually transmitted disease" has the same meaning as in RCW 70.24.017.

(43) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan, excluding fitness or wellness plans; or a state or federal health benefit program.

(44) "Treatment" means the provision, coordination, or management of health care and related services by one or more health care providers or health care facilities, including the coordination or management of health care by a health care provider or health care facility with a third party; consultation between health care providers or health care facilities relating to a patient; or the referral of a patient for health care from one health care provider or health care facility to another.

Sec. 417. RCW 70.02.230 and 2014 c 225 s 71 and 2014 c 220 s 9 are each reenacted and amended to read as follows:

(1) Except as provided in this section, RCW 70.02.050, 71.05.445, ((~~70.96A.150,~~)) 74.09.295, 70.02.210, 70.02.240, 70.02.250, and 70.02.260, or pursuant to a valid authorization under RCW 70.02.030, the fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies must be confidential.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed only:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

(i) Employed by the facility;

(ii) Who has medical responsibility for the patient's care;

(iii) Who is a designated ((~~mental health professional~~)) crisis responder;

(iv) Who is providing services under chapter 71.24 RCW;

(v) Who is employed by a state or local correctional facility where the person is confined or supervised; or

(vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional or designated crisis responder is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional or designated crisis responder shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be

disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(l) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(m) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)((~~(ii)~~)) (iii). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)((~~(ii)~~)) (iii);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(n) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(o) Pursuant to lawful order of a court;

(p) To qualified staff members of the department, to the director of behavioral health organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(q) Within the mental health service agency where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

(r) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department;

(s) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(t) Consistent with the requirements of the federal health information portability and accountability act, to a licensed mental health professional or a health care professional licensed under chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who is providing care to a person, or to whom a person has been referred for evaluation or treatment, to assure coordinated care and treatment of that person. Psychotherapy notes may not be released without authorization of the person who is the subject of the request for release of information;

(u) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (t) of this subsection;

(v) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(w) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment

proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(x) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

(y) To all current treating providers of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. The department may not release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(z)(i) To the secretary of social and health services for either program evaluation or research, or both so long as the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, ..., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ . . . . . ."

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary.

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health

services of any patient who receives treatment for chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services under RCW 71.05.280(3) and 71.05.320(((~~(3)~~))) (4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(((~~(3)~~))) (4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

(i) One thousand dollars; or

(ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

Sec. 418. RCW 70.48.475 and 2004 c 166 s 14 are each amended to read as follows:

(1) A person having charge of a jail, or that person's designee, shall notify the ((~~county designated mental health professional or the designated chemical dependency specialist~~)) designated crisis responder seventy-two hours prior to the release to the community of an offender or defendant who was subject to a discharge review under RCW 71.05.232. If the person having charge of the jail does not receive seventy-two hours notice of the release, the notification to the ((~~county designated mental health professional or the designated chemical~~

~~dependency specialist~~)) designated crisis responder shall be made as soon as reasonably possible, but not later than the actual release to the community of the defendant or offender.

(2) When a person having charge of a jail, or that person's designee, releases an offender or defendant who was the subject of a discharge review under RCW 71.05.232, the person having charge of a jail, or that person's designee, shall notify the state hospital from which the offender or defendant was released.

Sec. 419. RCW 70.97.010 and 2014 c 225 s 78 are each amended to read as follows:

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

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

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

(3) "Chemical dependency" means alcoholism, drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires and as those terms are defined in chapter ((~~70.96A~~)) 71.05 RCW.

(4) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

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

(6) "Conditional release" means a modification of a commitment that may be revoked upon violation of any of its terms.

(7) "Custody" means involuntary detention under chapter 71.05 ((~~or 70.96A~~)) RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

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

(9) "Designated crisis responder" ((~~means a designated mental health professional, a designated chemical dependency specialist, or a designated crisis responder as those terms are defined in chapter 70.96A, 71.05, or 70.96B RCW~~)) has the same meaning as in chapter 71.05 RCW.

(10) "Detention" or "detain" means the lawful confinement of an individual under chapter ((~~70.96A or~~)) 71.05 RCW.

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

(12) "Enhanced services facility" means a facility that provides treatment and services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the department to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues.

(13) "Expanded community services program" means a nonsecure program of enhanced behavioral and residential support provided to long-term and residential care providers serving specifically eligible clients who would otherwise be at risk for hospitalization at state hospital geriatric units.

(14) "Facility" means an enhanced services facility.

(15) "Gravely disabled" means a condition in which an individual, as a result of a mental disorder, as a result of the use of alcohol or other psychoactive chemicals, or both:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

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

(16) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter((~~,~~)) or chapter ((~~70.96A or~~)) 71.05 RCW, excluding any time spent, but not any violent acts committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(17) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(18) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) Physical harm will be inflicted by an individual upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

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

(19) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions.

(20) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

(21) "Professional person" means a mental health professional and also means a physician, registered nurse, and such others as may be defined in rules adopted by the secretary pursuant to the provisions of this chapter.

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

(23) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

(24) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing

services to the department, county departments, or facilities which identify individuals who are receiving or who at any time have received services for mental illness.

(25) "Release" means legal termination of the commitment under chapter ((~~70.96A or~~)) 71.05 RCW.

(26) "Resident" means a person admitted to an enhanced services facility.

(27) "Secretary" means the secretary of the department or the secretary's designee.

(28) "Significant change" means:

(a) A deterioration in a resident's physical, mental, or psychosocial condition that has caused or is likely to cause clinical complications or life-threatening conditions; or

(b) An improvement in the resident's physical, mental, or psychosocial condition that may make the resident eligible for release or for treatment in a less intensive or less secure setting.

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

(30) "Treatment" means the broad range of emergency, detoxification, residential, inpatient, and outpatient services and care, including diagnostic evaluation, mental health or chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation, and career counseling, which may be extended to persons with mental disorders, chemical dependency disorders, or both, and their families.

(31) "Treatment records" include registration and all other records concerning individuals who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by an individual providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

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

Sec. 420. RCW 71.05.660 and 2013 c 200 s 21 are each amended to read as follows:

Nothing in this chapter or chapter 70.02((~~, 70.96A,~~)) or 71.34((~~, or 70.96B~~)) RCW shall be construed to interfere with communications between physicians, psychiatric advanced registered nurse practitioners, or psychologists and patients and attorneys and clients.

Sec. 421. RCW 71.24.045 and 2014 c 225 s 13 are each amended to read as follows:

The behavioral health organization shall:

(1) Contract as needed with licensed service providers. The behavioral health organization may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(2) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the behavioral health organization shall comply with rules promulgated by the secretary that shall provide measurements to determine when a behavioral health organization provided service is more efficient and cost effective;

(3) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the behavioral health organization to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts;

(4) Establish reasonable limitations on administrative costs for agencies that contract with the behavioral health organization;

(5) Assure that the special needs of minorities, older adults, individuals with disabilities, children, and low-income persons are met within the priorities established in this chapter;

(6) Maintain patient tracking information in a central location as required for resource management services and the department's information system;

(7) Collaborate to ensure that policies do not result in an adverse shift of persons with mental illness into state and local correctional facilities;

(8) Work with the department to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases;

(9) Work closely with the ((~~county designated mental health professional or county~~)) designated crisis responder to maximize appropriate placement of persons into community services; and

(10) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state psychiatric hospital to ensure they are transitioned into the community in accordance with mutually agreed upon discharge plans and upon determination by the medical director of the state psychiatric hospital that they no longer need intensive inpatient care.

Sec. 422. RCW 71.24.330 and 2015 c 250 s 19 are each amended to read as follows:

(1)(a) Contracts between a behavioral health organization and the department shall include mechanisms for monitoring performance under the contract and remedies for failure to substantially comply with the requirements of the contract including, but not limited to, financial penalties, termination of the contract, and reprocurement of the contract.

(b) The department shall incorporate the criteria to measure the performance of service coordination organizations into contracts with behavioral health organizations as provided in chapter 70.320 RCW.

(2) The behavioral health organization procurement processes shall encourage the preservation of infrastructure previously purchased by the community mental health service delivery system, the maintenance of linkages between other services and delivery systems, and maximization of the use of available funds for services versus profits. However, a behavioral health organization selected through the procurement process is not required to contract for services with any county-owned or operated facility. The behavioral health organization procurement process shall provide that public funds appropriated

by the legislature shall not be used to promote or deter, encourage, or discourage employees from exercising their rights under Title 29, chapter 7, subchapter II, United States Code or chapter 41.56 RCW.

(3) In addition to the requirements of RCW 71.24.035, contracts shall:

(a) Define administrative costs and ensure that the behavioral health organization does not exceed an administrative cost of ten percent of available funds;

(b) Require effective collaboration with law enforcement, criminal justice agencies, and the chemical dependency treatment system;

(c) Require substantial implementation of department adopted integrated screening and assessment process and matrix of best practices;

(d) Maintain the decision-making independence of designated ((~~mental health professionals~~)) crisis responders;

(e) Except at the discretion of the secretary or as specified in the biennial budget, require behavioral health organizations to pay the state for the costs associated with individuals who are being served on the grounds of the state hospitals and who are not receiving long-term inpatient care as defined in RCW 71.24.025;

(f) Include a negotiated alternative dispute resolution clause;

(g) Include a provision requiring either party to provide one hundred eighty days' notice of any issue that may cause either party to voluntarily terminate, refuse to renew, or refuse to sign a mandatory amendment to the contract to act as a behavioral health organization. If either party decides to voluntarily terminate, refuse to renew, or refuse to sign a mandatory amendment to the contract to serve as a behavioral health organization they shall provide ninety days' advance notice in writing to the other party;

(h) Require behavioral health organizations to provide services as identified in RCW 71.05.585 to individuals committed for involuntary commitment under less restrictive alternative court orders when:

(i) The individual is enrolled in the medicaid program and meets behavioral health organization access to care standards; or

(ii) The individual is not enrolled in medicaid, does not have other insurance which can pay for the services, and the behavioral health organization has adequate available resources to provide the services; and

(i) Establish caseload guidelines for care coordinators who supervise less restrictive alternative orders and guidelines for response times during and immediately following periods of hospitalization or incarceration.

Sec. 423. RCW 71.32.080 and 2006 c 108 s 5 are each amended to read as follows:

(1)(a) A principal with capacity may, by written statement by the principal or at the principal's direction in the principal's presence, revoke a directive in whole or in part.

(b) An incapacitated principal may revoke a directive only if he or she elected at the time of executing the directive to be able to revoke when incapacitated.

(2) The revocation need not follow any specific form so long as it is written and the intent of the principal can be discerned. In the case of a directive that is stored in the health care declarations registry created by RCW 70.122.130, the revocation may be by an online method established by the department of health.

Failure to use the online method of revocation for a directive that is stored in the registry does not invalidate a revocation that is made by another method described under this section.

(3) The principal shall provide a copy of his or her written statement of revocation to his or her agent, if any, and to each health care provider, professional person, or health care facility that received a copy of the directive from the principal.

(4) The written statement of revocation is effective:

(a) As to a health care provider, professional person, or health care facility, upon receipt. The professional person, health care provider, or health care facility, or persons acting under their direction shall make the statement of revocation part of the principal's medical record; and

(b) As to the principal's agent, upon receipt. The principal's agent shall notify the principal's health care provider, professional person, or health care facility of the revocation and provide them with a copy of the written statement of revocation.

(5) A directive also may:

(a) Be revoked, in whole or in part, expressly or to the extent of any inconsistency, by a subsequent directive; or

(b) Be superseded or revoked by a court order, including any order entered in a criminal matter. A directive may be superseded by a court order regardless of whether the order contains an explicit reference to the directive. To the extent a directive is not in conflict with a court order, the directive remains effective, subject to the provisions of RCW 71.32.150. A directive shall not be interpreted in a manner that interferes with: (i) Incarceration or detention by the department of corrections, in a city or county jail, or by the department of social and health services; or (ii) treatment of a principal who is subject to involuntary treatment pursuant to chapter 10.77, ((~~70.96A,~~)) 71.05, 71.09, or 71.34 RCW.

(6) A directive that would have otherwise expired but is effective because the principal is incapacitated remains effective until the principal is no longer incapacitated unless the principal has elected to be able to revoke while incapacitated and has revoked the directive.

(7) When a principal with capacity consents to treatment that differs from, or refuses treatment consented to in, the provisions of his or her directive, the consent or refusal constitutes a waiver of that provision and does not constitute a revocation of the provision or directive unless the principal also revokes the directive or provision.

Sec. 424. RCW 71.32.140 and 2009 c 217 s 12 are each amended to read as follows:

(1) A principal who:

(a) Chose not to be able to revoke his or her directive during any period of incapacity;

(b) Consented to voluntary admission to inpatient mental health treatment, or authorized an agent to consent on the principal's behalf; and

(c) At the time of admission to inpatient treatment, refuses to be admitted,

may only be admitted into inpatient mental health treatment under subsection (2) of this section.

(2) A principal may only be admitted to inpatient mental health treatment under his or her directive if, prior to admission, a member of the treating

facility's professional staff who is a physician or psychiatric advanced registered nurse practitioner:

(a) Evaluates the principal's mental condition, including a review of reasonably available psychiatric and psychological history, diagnosis, and treatment needs, and determines, in conjunction with another health care provider or mental health professional, that the principal is incapacitated;

(b) Obtains the informed consent of the agent, if any, designated in the directive;

(c) Makes a written determination that the principal needs an inpatient evaluation or is in need of inpatient treatment and that the evaluation or treatment cannot be accomplished in a less restrictive setting; and

(d) Documents in the principal's medical record a summary of the physician's or psychiatric advanced registered nurse practitioner's findings and recommendations for treatment or evaluation.

(3) In the event the admitting physician is not a psychiatrist, or the advanced registered nurse practitioner is not a psychiatric advanced registered nurse practitioner, the principal shall receive a complete psychological assessment by a mental health professional within twenty-four hours of admission to determine the continued need for inpatient evaluation or treatment.

(4)(a) If it is determined that the principal has capacity, then the principal may only be admitted to, or remain in, inpatient treatment if he or she consents at the time or is detained under the involuntary treatment provisions of chapter ((~~70.96A,~~)) 71.05((~~,~~)) or 71.34 RCW.

(b) If a principal who is determined by two health care providers or one mental health professional and one health care provider to be incapacitated continues to refuse inpatient treatment, the principal may immediately seek injunctive relief for release from the facility.

(5) If, at the end of the period of time that the principal or the principal's agent, if any, has consented to voluntary inpatient treatment, but no more than fourteen days after admission, the principal has not regained capacity or has regained capacity but refuses to consent to remain for additional treatment, the principal must be released during reasonable daylight hours, unless detained under chapter ((~~70.96A,~~)) 71.05((~~,~~)) or 71.34 RCW.

(6)(a) Except as provided in (b) of this subsection, any principal who is voluntarily admitted to inpatient mental health treatment under this chapter shall have all the rights provided to individuals who are voluntarily admitted to inpatient treatment under chapter 71.05, 71.34, or 72.23 RCW.

(b) Notwithstanding RCW 71.05.050 regarding consent to inpatient treatment for a specified length of time, the choices an incapacitated principal expressed in his or her directive shall control, provided, however, that a principal who takes action demonstrating a desire to be discharged, in addition to making statements requesting to be discharged, shall be discharged, and no principal shall be restrained in any way in order to prevent his or her discharge. Nothing in this subsection shall be construed to prevent detention and evaluation for civil commitment under chapter 71.05 RCW.

(7) Consent to inpatient admission in a directive is effective only while the professional person, health care provider, and health care facility are in substantial compliance with the material provisions of the directive related to inpatient treatment.

Sec. 425. RCW 71.32.150 and 2003 c 283 s 15 are each amended to read as follows:

(1) Upon receiving a directive, a health care provider, professional person, or health care facility providing treatment to the principal, or persons acting under the direction of the health care provider, professional person, or health care facility, shall make the directive a part of the principal's medical record and shall be deemed to have actual knowledge of the directive's contents.

(2) When acting under authority of a directive, a health care provider, professional person, or health care facility shall act in accordance with the provisions of the directive to the fullest extent possible, unless in the determination of the health care provider, professional person, or health care facility:

(a) Compliance with the provision would violate the accepted standard of care established in RCW 7.70.040;

(b) The requested treatment is not available;

(c) Compliance with the provision would violate applicable law; or

(d) It is an emergency situation and compliance would endanger any person's life or health.

(3)(a) In the case of a principal committed or detained under the involuntary treatment provisions of chapter 10.77, ((~~70.96A,~~)) 71.05, 71.09, or 71.34 RCW, those provisions of a principal's directive that, in the determination of the health care provider, professional person, or health care facility, are inconsistent with the purpose of the commitment or with any order of the court relating to the commitment are invalid during the commitment.

(b) Remaining provisions of a principal's directive are advisory while the principal is committed or detained.

The treatment provider is encouraged to follow the remaining provisions of the directive, except as provided in (a) of this subsection or subsection (2) of this section.

(4) In the case of a principal who is incarcerated or committed in a state or local correctional facility, provisions of the principal's directive that are inconsistent with reasonable penological objectives or administrative hearings regarding involuntary medication are invalid during the period of incarceration or commitment. In addition, treatment may be given despite refusal of the principal or the provisions of the directive: (a) For any reason under subsection (2) of this section; or (b) if, without the benefit of the specific treatment measure, there is a significant possibility that the person will harm self or others before an improvement of the person's condition occurs.

(5)(a) If the health care provider, professional person, or health care facility is, at the time of receiving the directive, unable or unwilling to comply with any part or parts of the directive for any reason, the health care provider, professional person, or health care facility shall promptly notify the principal and, if applicable, his or her agent and shall document the reason in the principal's medical record.

(b) If the health care provider, professional person, or health care facility is acting under authority of a directive and is unable to comply with any part or parts of the directive for the reasons listed in subsection (2) or (3) of this section, the health care provider, professional person, or health care facility shall

promptly notify the principal and if applicable, his or her agent, and shall document the reason in the principal's medical record.

(6) In the event that one or more parts of the directive are not followed because of one or more of the reasons set forth in subsection (2) or (4) of this section, all other parts of the directive shall be followed.

(7) If no provider-patient relationship has previously been established, nothing in this chapter requires the establishment of a provider-patient relationship.

Sec. 426. RCW 72.09.315 and 2004 c 166 s 17 are each amended to read as follows:

(1) When an offender is under court-ordered mental health or chemical dependency treatment in the community and the supervision of the department of corrections, and the community corrections officer becomes aware that the person is in violation of the terms of the court's treatment order, the community corrections officer shall notify the ((~~county designated mental health professional or the designated chemical dependency specialist~~)) designated crisis responder, as appropriate, of the violation and request an evaluation for purposes of revocation of the less restrictive alternative or conditional release.

(2) When a ((~~county designated mental health professional or the designated chemical dependency specialist~~)) designated crisis responder notifies the department that an offender in a state correctional facility is the subject of a petition for involuntary treatment under chapter 71.05 ((~~or 70.96A~~)) RCW, the department shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department classified the offender as a high risk or high needs offender.

Sec. 427. RCW 72.09.370 and 2014 c 225 s 95 are each amended to read as follows:

(1) The offender reentry community safety program is established to provide intensive services to offenders identified under this subsection and to thereby promote public safety. The secretary shall identify offenders in confinement or partial confinement who: (a) Are reasonably believed to be dangerous to themselves or others; and (b) have a mental disorder. In determining an offender's dangerousness, the secretary shall consider behavior known to the department and factors, based on research, that are linked to an increased risk for dangerousness of offenders with mental illnesses and shall include consideration of an offender's chemical dependency or abuse.

(2) Prior to release of an offender identified under this section, a team consisting of representatives of the department of corrections, the division of mental health, and, as necessary, the indeterminate sentence review board, other divisions or administrations within the department of social and health services, specifically including the division of alcohol and substance abuse and the division of developmental disabilities, the appropriate behavioral health organization, and the providers, as appropriate, shall develop a plan, as determined necessary by the team, for delivery of treatment and support services to the offender upon release. In developing the plan, the offender shall be offered assistance in executing a mental health directive under chapter 71.32 RCW, after being fully informed of the benefits, scope, and purposes of such directive. The team may include a school district representative for offenders under the age of

twenty-one. The team shall consult with the offender's counsel, if any, and, as appropriate, the offender's family and community. The team shall notify the crime victim/witness program, which shall provide notice to all people registered to receive notice under RCW 72.09.712 of the proposed release plan developed by the team. Victims, witnesses, and other interested people notified by the department may provide information and comments to the department on potential safety risk to specific individuals or classes of individuals posed by the specific offender. The team may recommend: (a) That the offender be evaluated by the designated ((~~mental health professional~~)) crisis responder, as defined in chapter 71.05 RCW; (b) department-supervised community treatment; or (c) voluntary community mental health or chemical dependency or abuse treatment.

(3) Prior to release of an offender identified under this section, the team shall determine whether or not an evaluation by a designated ((~~mental health professional~~)) crisis responder is needed. If an evaluation is recommended, the supporting documentation shall be immediately forwarded to the appropriate designated ((~~mental health professional~~)) crisis responder. The supporting documentation shall include the offender's criminal history, history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement, and any known history of involuntary civil commitment.

(4) If an evaluation by a designated ((~~mental health professional~~)) crisis responder is recommended by the team, such evaluation shall occur not more than ten days, nor less than five days, prior to release.

(5) A second evaluation by a designated ((~~mental health professional~~)) crisis responder shall occur on the day of release if requested by the team, based upon new information or a change in the offender's mental condition, and the initial evaluation did not result in an emergency detention or a summons under chapter 71.05 RCW.

(6) If the designated ((~~mental health professional~~)) crisis responder determines an emergency detention under chapter 71.05 RCW is necessary, the department shall release the offender only to a state hospital or to a consenting evaluation and treatment facility. The department shall arrange transportation of the offender to the hospital or facility.

(7) If the designated ((~~mental health professional~~)) crisis responder believes that a less restrictive alternative treatment is appropriate, he or she shall seek a summons, pursuant to the provisions of chapter 71.05 RCW, to require the offender to appear at an evaluation and treatment facility. If a summons is issued, the offender shall remain within the corrections facility until completion of his or her term of confinement and be transported, by corrections personnel on the day of completion, directly to the identified evaluation and treatment facility.

(8) The secretary shall adopt rules to implement this section.

Sec. 428. RCW 43.185C.305 and 2015 c 69 s 20 are each amended to read as follows:

(1) If a resident of a crisis residential center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In assessing the child and providing these services, the facility staff shall:

(a) Interview the juvenile as soon as possible;

(b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

(c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible;

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed fifteen consecutive days; and

(e) Convene, when appropriate, a multidisciplinary team.

(3) Based on the assessments done under subsection (2) of this section the center staff may refer any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive, or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, for evaluation pursuant to chapter 71.34 RCW((~~,~~)) or to a ((~~mental health professional~~)) designated crisis responder pursuant to chapter 71.05 RCW((~~, or to a chemical dependency specialist pursuant to chapter 70.96A RCW~~)) whenever such action is deemed appropriate and consistent with law.

(4) A juvenile taking unauthorized leave from a facility shall be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 43.185C.260. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile shall be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed fifteen consecutive days. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed fifteen consecutive days.

Sec. 429. RCW 74.50.070 and 1987 c 406 s 8 are each amended to read as follows:

(1) If a county elects to establish a multipurpose diagnostic center or detention center, the alcoholism and drug addiction assessment service under RCW 74.50.040 may be integrated into the services provided by such a center.

(2) The center may be financed from funds made available by the department for alcoholism and drug addiction assessments under this chapter and funds contained in the department's budget for detoxification, involuntary detention, and involuntary treatment under chapter((~~s 70.96A and~~)) 71.05 RCW. The center may be operated by the county or pursuant to contract between the county and a qualified organization.

PART V
INTEGRATION OF CHEMICAL DEPENDENCY AND MENTAL HEALTH ADMINISTRATIVE PROVISIONS

Sec. 501. RCW 71.24.025 and 2014 c 225 s 10 are each reenacted and amended to read as follows:

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

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(3) "Behavioral health organization" means any county authority or group of county authorities or other entity recognized by the secretary in contract in a defined region.

(4) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and ((~~chemical dependency~~)) substance use disorder treatment services as described in this chapter and chapter 70.96A RCW.

(5) "Child" means a person under the age of eighteen years.

(6) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(7) "Clubhouse" means a community-based program that provides rehabilitation services and is certified by the department of social and health services.

(8) ((~~"Community mental health program" means all mental health services, activities, or programs using available resources.~~

~~(9)~~)) "Community mental health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(((~~(10)~~))) (9) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available

twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health organizations.

(((~~(11)~~))) (10) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(((~~(12)~~))) (11) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(((~~(13)~~))) (12) "Department" means the department of social and health services.

(((~~(14)~~))) (13) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(((~~(15)~~))) (14) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (((~~(16)~~))) (15) of this section.

(((~~(16)~~))) (15) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(((~~(17)~~))) (16) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 or 70.96A RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, or tribal attestation that meets state minimum standards, or persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(((~~(18)~~))) (17) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care"

as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

((~~(19)~~)) (18) "Mental health services" means all services provided by behavioral health organizations and other services provided by the state for persons who are mentally ill.

((~~(20)~~)) (19) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (6), (27), and (28)((~~, and (29)~~)) of this section.

((~~(21)~~)) (20) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

((~~(22)~~)) (21) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

((~~(23)~~)) (22) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection ((~~(16)~~)) (15) of this section but does not meet the full criteria for evidence-based.

((~~(24)~~)) (23) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

((~~(25)~~)) (24) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

((~~(26)~~)) (25) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined solely by a behavioral health organization to

be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated mental health professionals, evaluation and treatment facilities, and others as determined by the behavioral health organization.

(((~~(27)~~))) (26) "Secretary" means the secretary of social and health services.

(((~~(28)~~))) (27) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(((~~(29)~~))) (28) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health organization to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(((~~(30)~~))) (29) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

(((~~(31)~~))) (30) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(((~~(32)~~))) (31) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any behavioral health organization that would present a conflict of interest.

(32) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(33) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

(34) "Behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat chemical dependency and mental illness.

(35) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(36) "Designated chemical dependency specialist" means a person designated by the behavioral health organization or by the county alcoholism and other drug addiction program coordinator designated by the behavioral health organization to perform the commitment duties described in RCW 70.96A.140 and qualified to do so by meeting standards adopted by the department.

(37) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(38) "Early adopter" means a regional service area for which all of the county authorities have requested that the department and the health care

authority jointly purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(6).

(39) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

Sec. 502. RCW 71.24.025 and 2016 1st sp.s. c ... s 501 (section 501 of this act) are each amended to read as follows:

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

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(3) "Behavioral health organization" means any county authority or group of county authorities or other entity recognized by the secretary in contract in a defined region.

(4) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and substance use disorder treatment services as described in this chapter ((~~and chapter 70.96A RCW~~)).

(5) "Child" means a person under the age of eighteen years.

(6) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(7) "Clubhouse" means a community-based program that provides rehabilitation services and is certified by the department of social and health services.

(8) "Community mental health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(9) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health organizations.

(10) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(11) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(12) "Department" means the department of social and health services.

(13) "Designated ((~~mental health professional~~)) crisis responder" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(14) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (15) of this section.

(15) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(16) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 ((~~or 70.96A~~)) RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, or tribal attestation that meets state minimum standards, or persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(17) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(18) "Mental health services" means all services provided by behavioral health organizations and other services provided by the state for persons who are mentally ill.

(19) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (6), (27), and (28) of this section.

(20) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

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

(22) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (15) of this section but does not meet the full criteria for evidence-based.

(23) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(24) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(25) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children

who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined solely by a behavioral health organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated ((~~mental health professionals~~)) crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health organization.

(26) "Secretary" means the secretary of social and health services.

(27) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(28) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health organization to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(29) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

(30) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(31) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any behavioral health organization that would present a conflict of interest.

(32) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(33) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

(34) "Behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat chemical dependency and mental illness.

(35) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(36) ((~~"Designated chemical dependency specialist" means a person designated by the behavioral health organization or by the county alcoholism and other drug addiction program coordinator designated by the behavioral health organization to perform the commitment duties described in RCW 70.96A.140 and qualified to do so by meeting standards adopted by the department.~~

~~(37)~~)) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

((~~(38)~~)) (37) "Early adopter" means a regional service area for which all of the county authorities have requested that the department and the health care authority jointly purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(6).

((~~(39)~~)) (38) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

Sec. 503. RCW 71.24.035 and 2015 c 269 s 8 are each amended to read as follows:

(1) The department is designated as the state ((~~mental~~)) behavioral health authority which includes recognition as the single state authority for substance use disorders and state mental health authority.

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

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

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

(5) The secretary shall:

(a) Develop a biennial state ((~~mental~~)) behavioral health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for adults and children with mental ((~~illness~~)) disorders or substance use disorders or both;

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

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

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

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

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

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

(f) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including managed care contracts for behavioral health services, contracts entered into under RCW 74.09.522, and contracts with public and private agencies, organizations, and individuals to pay them for behavioral health services;

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

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

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

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

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

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

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

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

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

~~(o)~~)) (p) License or certify triage facilities that meet state minimum standards; and

(q) Administer or supervise the administration of the provisions relating to persons with substance use disorders and intoxicated persons of any state plan submitted for federal funding pursuant to federal health, welfare, or treatment legislation.

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

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

(b) To incentivize improved performance with respect to the client outcomes established in RCW 43.20A.895, 70.320.020, and 71.36.025, integration of behavioral health and medical services at the clinical level, and improved care coordination for individuals with complex care needs.

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

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

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

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

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

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

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

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

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

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

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

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

~~(b) Members and employees must work together;~~

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

~~(d) Members and staff and ultimately the clubhouse director must be responsible for the operation of the clubhouse, central to this responsibility is the engagement of members and staff in all aspects of clubhouse operations;~~

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

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

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

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

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

(((~~(16)~~))) (13) The secretary shall assume all duties assigned to the nonparticipating behavioral health organizations under chapters 71.05 and 71.34 RCW and this chapter. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating behavioral health organizations.

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

(((~~(17)~~))) (14) The secretary shall:

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

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

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

(d) Deny all or part of the funding allocations to behavioral health organizations based solely upon formal findings of noncompliance with the

terms of the behavioral health organization's contract with the department. Behavioral health organizations disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the behavioral health organizations.

(((~~(18)~~))) (15) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by freestanding evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

(16) The department may:

(a) Plan, establish, and maintain substance use disorder prevention and substance use disorder treatment programs as necessary or desirable;

(b) Coordinate its activities and cooperate with behavioral programs in this and other states, and make contracts and other joint or cooperative arrangements with state, local, or private agencies in this and other states for behavioral health services and for the common advancement of substance use disorder programs;

(c) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant;

(d) Keep records and engage in research and the gathering of relevant statistics; and

(e) Acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide substance use disorder treatment programs.

Sec. 504. RCW 70.96A.050 and 2014 c 225 s 23 are each amended to read as follows:

The department shall:

(1) Develop, encourage, and foster statewide, regional, and local plans and programs for the prevention of alcoholism and other drug addiction, treatment of persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons in cooperation with public and private agencies, organizations, and individuals and provide technical assistance and consultation services for these purposes;

(2) Assure that any behavioral health organization managed care contract, or managed care contract under RCW 74.09.522 for behavioral health services or programs for the treatment of persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons provides medically necessary services to medicaid recipients. This must include a continuum of mental health and ((~~chemical dependency~~)) substance use disorder services consistent with the state's medicaid plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the department;

(3) Coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in prevention of alcoholism and drug addiction, and treatment of persons with substance use disorders and

their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons;

(4) Cooperate with public and private agencies in establishing and conducting programs to provide treatment for persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons who are clients of the correctional system;

(5) Cooperate with the superintendent of public instruction, state board of education, schools, police departments, courts, and other public and private agencies, organizations and individuals in establishing programs for the prevention of ((~~alcoholism and other drug addiction~~)) substance use disorders, treatment of persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons, and preparing curriculum materials thereon for use at all levels of school education;

(6) Prepare, publish, evaluate, and disseminate educational material dealing with the nature and effects of alcohol and other psychoactive chemicals and the consequences of their use;

(7) Develop and implement, as an integral part of substance use disorder treatment programs, an educational program for use in the treatment of persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons, which program shall include the dissemination of information concerning the nature and effects of alcohol and other psychoactive chemicals, the consequences of their use, the principles of recovery, and HIV and AIDS;

(8) Organize and foster training programs for persons engaged in treatment of persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons;

(9) Sponsor and encourage research into the causes and nature of ((~~alcoholism and other drug addiction~~)) substance use disorders, treatment of persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons, and serve as a clearinghouse for information relating to ((~~alcoholism or other drug addiction~~)) substance use disorders;

(10) Specify uniform methods for keeping statistical information by public and private agencies, organizations, and individuals, and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission, and frequency and duration of treatment;

(11) Advise the governor in the preparation of a comprehensive plan for treatment of persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons for inclusion in the state's comprehensive health plan;

(12) Review all state health, welfare, and treatment plans to be submitted for federal funding under federal legislation, and advise the governor on provisions to be included relating to substance use disorders;

(13) Assist in the development of, and cooperate with, programs for alcohol and other psychoactive chemical education and treatment for employees of state and local governments and businesses and industries in the state;

(14) Use the support and assistance of interested persons in the community to encourage persons with substance use disorders voluntarily to undergo treatment;

(15) Cooperate with public and private agencies in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while intoxicated;

(16) Encourage general hospitals and other appropriate health facilities to admit without discrimination persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons and to provide them with adequate and appropriate treatment;

(17) Encourage all health and disability insurance programs to include ((~~alcoholism and other drug addiction~~)) substance use disorders as a covered illness; and

(18) Organize and sponsor a statewide program to help court personnel, including judges, better understand ((~~the disease of alcoholism and other drug addiction~~)) substance use disorders and the uses of ((~~chemical dependency~~)) substance use disorder treatment programs.

Sec. 505. RCW 71.24.037 and 2001 c 323 s 11 are each amended to read as follows:

(1) The secretary shall by rule establish state minimum standards for licensed behavioral health service providers and services, whether those service providers and services are licensed to provide solely mental health services, substance use disorder treatment services, or services to persons with co-occurring disorders.

(2) Minimum standards for licensed behavioral health service providers shall, at a minimum, establish: Qualifications for staff providing services directly to ((~~mentally ill~~)) persons with mental disorders, substance use disorders, or both, the intended result of each service, and the rights and responsibilities of persons receiving ((~~mental~~)) behavioral health services pursuant to this chapter. The secretary shall provide for deeming of licensed behavioral health service providers as meeting state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department.

(3) Minimum standards for community support services and resource management services shall include at least qualifications for resource management services, client tracking systems, and the transfer of patient information between behavioral health service providers.

(4) The department may suspend, revoke, limit, restrict, or modify an approval, or refuse to grant approval, for failure to meet the provisions of this chapter, or the standards adopted under this chapter. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(5) No licensed behavioral health service provider may advertise or represent itself as a licensed behavioral health service provider if approval has not been granted, has been denied, suspended, revoked, or canceled.

(6) Licensure as a behavioral health service provider is effective for one calendar year from the date of issuance of the license. The license must specify the types of services provided by the behavioral health service provider that meet the standards adopted under this chapter. Renewal of a license must be

made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(7) Licensure as a licensed behavioral health service provider must specify the types of services provided that meet the standards adopted under this chapter. Renewal of a license must be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(8) Licensed behavioral health service providers may not provide types of services for which the licensed behavioral health service provider has not been certified. Licensed behavioral health service providers may provide services for which approval has been sought and is pending, if approval for the services has not been previously revoked or denied.

(9) The department periodically shall inspect licensed behavioral health service providers at reasonable times and in a reasonable manner.

(10) Upon petition of the department and after a hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the department authorizing him or her to enter and inspect at reasonable times, and examine the books and accounts of, any licensed behavioral health service provider refusing to consent to inspection or examination by the department or which the department has reasonable cause to believe is operating in violation of this chapter.

(11) The department shall maintain and periodically publish a current list of licensed behavioral health service providers.

(12) Each licensed behavioral health service provider shall file with the department upon request, data, statistics, schedules, and information the department reasonably requires. A licensed behavioral health service provider that without good cause fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent returns thereof, may have its license revoked or suspended.

(13) The department shall use the data provided in subsection (12) of this section to evaluate each program that admits children to inpatient substance use disorder treatment upon application of their parents. The evaluation must be done at least once every twelve months. In addition, the department shall randomly select and review the information on individual children who are admitted on application of the child's parent for the purpose of determining whether the child was appropriately placed into substance use disorder treatment based on an objective evaluation of the child's condition and the outcome of the child's treatment.

Sec. 506. RCW 70.96A.090 and 2005 c 70 s 2 are each amended to read as follows:

(1) ((~~The department shall adopt rules establishing standards for approved treatment programs, the process for the review and inspection program applying to the department for certification as an approved treatment program, and fixing the fees to be charged by the department for the required inspections. The standards may concern the health standards to be met and standards of services and treatment to be afforded patients.~~

~~(2) The department may suspend, revoke, limit, restrict, or modify an approval, or refuse to grant approval, for failure to meet the provisions of this chapter, or the standards adopted under this chapter. RCW 43.20A.205 governs~~

~~notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.~~

~~(3) No treatment program may advertise or represent itself as an approved treatment program if approval has not been granted, has been denied, suspended, revoked, or canceled.~~

~~(4) Certification as an approved treatment program is effective for one calendar year from the date of issuance of the certificate. The certification shall specify the types of services provided by the approved treatment program that meet the standards adopted under this chapter. Renewal of certification shall be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.~~

~~(5) Approved treatment programs shall not provide alcoholism or other drug addiction treatment services for which the approved treatment program has not been certified. Approved treatment programs may provide services for which approval has been sought and is pending, if approval for the services has not been previously revoked or denied.~~

~~(6) The department periodically shall inspect approved public and private treatment programs at reasonable times and in a reasonable manner.~~

~~(7) The department shall maintain and periodically publish a current list of approved treatment programs.~~

~~(8) Each approved treatment program shall file with the department on request, data, statistics, schedules, and information the department reasonably requires. An approved treatment program that without good cause fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent returns thereof, may be removed from the list of approved treatment programs, and its certification revoked or suspended.~~

~~(9) The department shall use the data provided in subsection (8) of this section to evaluate each program that admits children to inpatient treatment upon application of their parents. The evaluation shall be done at least once every twelve months. In addition, the department shall randomly select and review the information on individual children who are admitted on application of the child's parent for the purpose of determining whether the child was appropriately placed into treatment based on an objective evaluation of the child's condition and the outcome of the child's treatment.~~

~~(10) Upon petition of the department and after a hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the department authorizing him or her to enter and inspect at reasonable times, and examine the books and accounts of, any approved public or private treatment program refusing to consent to inspection or examination by the department or which the department has reasonable cause to believe is operating in violation of this chapter.~~

~~(11)(a)~~)) All approved opiate substitution treatment programs that provide services to women who are pregnant are required to disseminate up-to-date and accurate health education information to all their pregnant clients concerning the possible addiction and health risks that their opiate substitution treatment may have on their baby. All pregnant clients must also be advised of the risks to both them and their baby associated with not remaining on the opiate substitute program. The information must be provided to these clients both verbally and in

writing. The health education information provided to the pregnant clients must include referral options for the addicted baby.

((~~(b)~~)) (2) The department shall adopt rules that require all opiate treatment programs to educate all pregnant women in their program on the benefits and risks of methadone treatment to their fetus before they are provided these medications, as part of their addiction treatment. The department shall meet the requirements under this subsection within the appropriations provided for opiate treatment programs. The department, working with treatment providers and medical experts, shall develop and disseminate the educational materials to all certified opiate treatment programs.

NEW SECTION. **Sec. 507.** A new section is added to chapter 71.24 RCW to read as follows:

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

NEW SECTION. **Sec. 508.** A new section is added to chapter 71.24 RCW to read as follows:

The standards for certification or licensure of crisis stabilization units must include standards that:

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

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

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

NEW SECTION. **Sec. 509.** A new section is added to chapter 71.24 RCW to read as follows:

The standards for certification or licensure of a clubhouse must at a minimum include:

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

(2) Members and employees must work together;

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

(4) Members and staff and ultimately the clubhouse director must be responsible for the operation of the clubhouse, central to this responsibility is the engagement of members and staff in all aspects of clubhouse operations;

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

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

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

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

Sec. 510. RCW 71.24.385 and 2014 c 225 s 9 are each amended to read as follows:

(1) Within funds appropriated by the legislature for this purpose, behavioral health organizations shall develop the means to serve the needs of people:

(a) With mental disorders residing within the boundaries of their regional service area. Elements of the program may include:

((~~(a)~~)) (i) Crisis diversion services;

((~~(b)~~)) (ii) Evaluation and treatment and community hospital beds;

((~~(c)~~)) (iii) Residential treatment;

((~~(d)~~)) (iv) Programs for intensive community treatment;

((~~(e)~~)) (v) Outpatient services;

((~~(f)~~)) (vi) Peer support services;

((~~(g)~~)) (vii) Community support services;

((~~(h)~~)) (viii) Resource management services; and

((~~(i)~~)) (ix) Supported housing and supported employment services.

(b) With substance use disorders and their families, people incapacitated by alcohol or other psychoactive chemicals, and intoxicated people.

(i) Elements of the program shall include, but not necessarily be limited to, a continuum of substance use disorder treatment services that includes:

(A) Withdrawal management;

(B) Residential treatment; and

(C) Outpatient treatment.

(ii) The program may include peer support, supported housing, supported employment, crisis diversion, or recovery support services.

(iii) The department may contract for the use of an approved substance use disorder treatment program or other individual or organization if the secretary considers this to be an effective and economical course to follow.

(2) The behavioral health organization shall have the flexibility, within the funds appropriated by the legislature for this purpose and the terms of their contract, to design the mix of services that will be most effective within their service area of meeting the needs of people with ((~~mental~~)) behavioral health disorders and avoiding placement of such individuals at the state mental hospital. Behavioral health organizations are encouraged to maximize the use of evidence-based practices and alternative resources with the goal of substantially reducing and potentially eliminating the use of institutions for mental diseases.

(3)(a) Treatment provided under this chapter must be purchased primarily through managed care contracts.

(b) Consistent with RCW 70.96A.350 (as recodified by this act), services and funding provided through the criminal justice treatment account are intended to be exempted from managed care contracting.

Sec. 511. RCW 70.96A.350 and 2015 3rd sp.s. c 4 s 968 and 2015 c 291 s 10 are each reenacted and amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance ((~~abuse~~)) use

disorder treatment and treatment support services for offenders with ((~~an addiction or a substance abuse problem~~)) a substance use disorder that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of ((~~drug and alcohol~~)) substance use disorder treatment services and treatment support services for nonviolent offenders within a drug court program; and (c) the administrative and overhead costs associated with the operation of a drug court. ((~~This amount is not subject to the requirements of subsections (5) through (9) of this section. During the 2013-2015 fiscal biennium, the legislature may transfer from the criminal justice treatment account to the state general fund amounts as reflect the state savings associated with the implementation of the medicaid expansion of the federal affordable care act.~~)) During the 2015-2017 fiscal biennium, the legislature may transfer from the criminal justice treatment account to the state general fund amounts as reflect the state savings associated with the implementation of the medicaid expansion of the federal affordable care act and the excess fund balance of the account. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance ((~~abuse~~)) use disorder treatment program, but does not include the following services: Housing other than that provided as part of an inpatient substance ((~~abuse~~)) use disorder treatment program, vocational training, and mental health counseling; and

(b) "Treatment support" means transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) ((~~For the fiscal biennium beginning July 1, 2003, the state treasurer shall transfer eight million nine hundred fifty thousand dollars from the general fund into the criminal justice treatment account, divided into eight equal quarterly payments. For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments.~~)) For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the ((~~division of alcohol and substance abuse~~)) department for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the ((~~division of alcohol and substance abuse~~)) department from the criminal justice treatment account shall be distributed as specified in this subsection. The department ((~~shall serve as the fiscal agent for purposes of distribution. Until July 1, 2004, the department may not use moneys appropriated from the criminal justice treatment account for administrative~~

~~expenses and shall distribute all amounts appropriated under subsection (4)(b) of this section in accordance with this subsection. Beginning in July 1, 2004, the department~~)) may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the ((~~division~~)) department from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The division of alcohol and substance abuse, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance ((~~abuse~~)) use disorder treatment providers, and any other person deemed by the ((~~division~~)) department to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the ((~~division~~)) department from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The ((~~division~~)) department shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, substance ((~~abuse~~)) use disorder treatment providers, and the division. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The funds shall be used solely to provide approved alcohol and substance abuse treatment pursuant to RCW 70.96A.090 (as recodified by this act), treatment support services, and for the administrative and overhead costs associated with the operation of a drug court.

(a) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent on the administrative and overhead costs associated with the operation of a drug court.

(b) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) Counties must meet the criteria established in RCW 2.30.030(3).

(10) The authority under this section to use funds from the criminal justice treatment account for the administrative and overhead costs associated with the operation of a drug court expires June 30, 2015.

Sec. 512. RCW 70.96A.035 and 2005 c 504 s 302 are each amended to read as follows:

(1) ((~~Not later than January 1, 2007,~~)) All persons providing treatment under this chapter shall also implement the integrated comprehensive screening and assessment process for ((~~chemical dependency~~)) substance use and mental disorders adopted pursuant to RCW 70.96C.010 (as recodified by this act) and shall document the numbers of clients with co-occurring mental and substance ((~~abuse~~)) use disorders based on a quadrant system of low and high needs.

(2) Treatment providers contracted to provide treatment under this chapter who fail to implement the integrated comprehensive screening and assessment process for ((~~chemical dependency~~)) substance use and mental disorders ((~~by July 1, 2007,~~)) are subject to contractual penalties established under RCW 70.96C.010 (as recodified by this act).

Sec. 513. RCW 70.96C.010 and 2014 c 225 s 77 are each amended to read as follows:

(1) The department of social and health services((~~, in consultation with the members of the team charged with developing the state plan for co-occurring mental and substance abuse disorders, shall adopt, not later than January 1, 2006,~~)) shall maintain an integrated and comprehensive screening and assessment process for ((~~chemical dependency~~)) substance use and mental disorders and co-occurring ((~~chemical dependency~~)) substance use and mental disorders.

(a) The process adopted shall include, at a minimum:

(i) An initial screening tool that can be used by intake personnel system-wide and which will identify the most common types of co-occurring disorders;

(ii) An assessment process for those cases in which assessment is indicated that provides an appropriate degree of assessment for most situations, which can be expanded for complex situations;

(iii) Identification of triggers in the screening that indicate the need to begin an assessment;

(iv) Identification of triggers after or outside the screening that indicate a need to begin or resume an assessment;

(v) The components of an assessment process and a protocol for determining whether part or all of the assessment is necessary, and at what point; and

(vi) Emphasis that the process adopted under this section is to replace and not to duplicate existing intake, screening, and assessment tools and processes.

(b) The department shall consider existing models, including those already adopted by other states, and to the extent possible, adopt an established, proven model.

(c) The integrated, comprehensive screening and assessment process shall be implemented statewide by all ((~~chemical dependency~~)) substance use disorder and mental health treatment providers as well as all designated mental health professionals, designated chemical dependency specialists, and designated crisis responders ((~~not later than January 1, 2007~~)).

(2) The department shall provide adequate training to effect statewide implementation by the dates designated in this section and shall report the rates of co-occurring disorders and the stage of screening or assessment at which the co-occurring disorder was identified to the appropriate committees of the legislature.

(3) The department shall establish contractual penalties to contracted treatment providers, the behavioral health organizations, and their contracted providers for failure to implement the integrated screening and assessment process ((~~by July 1, 2007~~)).

Sec. 514. RCW 70.96A.037 and 2011 c 89 s 9 are each amended to read as follows:

(1) The department of social and health services shall contract for chemical dependency specialist services at division of children and family services offices to enhance the timeliness and quality of child protective services assessments and to better connect families to needed treatment services.

(2) The chemical dependency specialist's duties may include, but are not limited to: Conducting on-site ((~~chemical dependency~~)) substance use disorder screening and assessment, facilitating progress reports to department employees, in-service training of department employees and staff on substance ((~~abuse~~)) use disorder issues, referring clients from the department to treatment providers, and providing consultation on cases to department employees.

(3) The department of social and health services shall provide training in and ensure that each case-carrying employee is trained in uniform screening for mental health and ((~~chemical dependency~~)) substance use disorder.

Sec. 515. RCW 70.96A.047 and 1989 c 270 s 11 are each amended to read as follows:

Except as provided in this chapter, the secretary shall not approve any substance use disorder facility, plan, or program for financial assistance under RCW 70.96A.040 (as recodified by this act) unless at least ten percent of the amount spent for the facility, plan, or program is provided from local public or private sources. When deemed necessary to maintain public standards of care in the substance use disorder facility, plan, or program, the secretary may require the substance use disorder facility, plan, or program to provide up to fifty percent of the total spent for the program through fees, gifts, contributions, or volunteer services. The secretary shall determine the value of the gifts, contributions, and volunteer services.

Sec. 516. RCW 70.96A.055 and 1999 c 197 s 10 are each amended to read as follows:

The department shall contract with counties operating drug courts and counties in the process of implementing new drug courts for the provision of ((~~drug and alcohol~~)) substance use disorder treatment services.

Sec. 517. RCW 70.96A.087 and 1989 c 270 s 13 are each amended to read as follows:

To be eligible to receive its share of liquor taxes and profits, each city and county shall devote no less than two percent of its share of liquor taxes and profits to the support of a substance use disorder program ((~~of alcoholism and other drug addiction~~)) approved by the ((~~alcoholism and other drug addiction board authorized by RCW 70.96A.300~~)) behavioral health organization and the secretary.

Sec. 518. RCW 70.96A.170 and 1989 c 270 s 30 are each amended to read as follows:

(1) The state and counties, cities, and other municipalities may establish or contract for emergency service patrols which are to be under the administration of the appropriate jurisdiction. A patrol consists of persons trained to give assistance in the streets and in other public places to persons who are intoxicated. Members of an emergency service patrol shall be capable of providing first aid in emergency situations and may transport intoxicated persons to their homes and to and from substance use disorder treatment programs.

(2) The secretary shall adopt rules pursuant to chapter 34.05 RCW for the establishment, training, and conduct of emergency service patrols.

Sec. 519. RCW 70.96A.400 and 2001 c 242 s 1 are each amended to read as follows:

The state of Washington declares that there is no fundamental right to opiate substitution treatment. The state of Washington further declares that while opiate substitution drugs used in the treatment of opiate dependency are addictive substances, that they nevertheless have several legal, important, and justified uses and that one of their appropriate and legal uses is, in conjunction with other required therapeutic procedures, in the treatment of persons addicted to or habituated to opioids. Opiate substitution treatment should only be used for participants who are deemed appropriate to need this level of intervention and should not be the first treatment intervention for all opiate addicts.

Because opiate substitution drugs, used in the treatment of opiate dependency are addictive and are listed as a schedule II controlled substance in chapter 69.50 RCW, the state of Washington has the legal obligation and right to regulate the use of opiate substitution treatment. The state of Washington declares its authority to control and regulate carefully, in consultation with counties and cities, all clinical uses of opiate substitution drugs used in the treatment of opiate addiction.

Further, the state declares that the primary goal of opiate substitution treatment is total abstinence from ((~~chemical dependency~~)) substance use for the individuals who participate in the treatment program. The state recognizes that a small percentage of persons who participate in opiate substitution treatment programs require treatment for an extended period of time. Opiate substitution treatment programs shall provide a comprehensive transition program to eliminate ((~~chemical dependency~~)) substance use, including opiate and opiate substitute addiction of program participants.

Sec. 520. RCW 70.96A.800 and 2014 c 225 s 33 are each amended to read as follows:

(1) Subject to funds appropriated for this specific purpose, the secretary shall select and contract with ((~~counties~~)) behavioral health organizations to provide intensive case management for ((~~chemically dependent~~)) persons with

substance use disorders and histories of high utilization of crisis services at two sites. In selecting the two sites, the secretary shall endeavor to site one in an urban county, and one in a rural county; and to site them in counties other than those selected pursuant to RCW 70.96B.020, to the extent necessary to facilitate evaluation of pilot project results. Subject to funds appropriated for this specific purpose, the secretary may contract with additional counties to provide intensive case management.

(2) The contracted sites shall implement the pilot programs by providing intensive case management to persons with a primary ((~~chemical dependency~~)) substance use disorder diagnosis or dual primary ((~~chemical dependency~~)) substance use disorder and mental health diagnoses, through the employment of ((~~chemical dependency~~)) substance use disorder case managers. The ((~~chemical dependency~~)) substance use disorder case managers shall:

(a) Be trained in and use the integrated, comprehensive screening and assessment process adopted under RCW 70.96C.010 (as recodified by this act);

(b) Reduce the use of crisis medical, ((~~chemical dependency~~)) substance use disorder treatment and mental health services, including but not limited to, emergency room admissions, hospitalizations, withdrawal management programs, inpatient psychiatric admissions, involuntary treatment petitions, emergency medical services, and ambulance services;

(c) Reduce the use of emergency first responder services including police, fire, emergency medical, and ambulance services;

(d) Reduce the number of criminal justice interventions including arrests, violations of conditions of supervision, bookings, jail days, prison sanction day for violations, court appearances, and prosecutor and defense costs;

(e) Where appropriate and available, work with therapeutic courts including drug courts and mental health courts to maximize the outcomes for the individual and reduce the likelihood of reoffense;

(f) Coordinate with local offices of the economic services administration to assist the person in accessing and remaining enrolled in those programs to which the person may be entitled;

(g) Where appropriate and available, coordinate with primary care and other programs operated through the federal government including federally qualified health centers, Indian health programs, and veterans' health programs for which the person is eligible to reduce duplication of services and conflicts in case approach;

(h) Where appropriate, advocate for the client's needs to assist the person in achieving and maintaining stability and progress toward recovery;

(i) Document the numbers of persons with co-occurring mental and substance ((~~abuse~~)) use disorders and the point of determination of the co-occurring disorder by quadrant of intensity of need; and

(j) Where a program participant is under supervision by the department of corrections, collaborate with the department of corrections to maximize treatment outcomes and reduce the likelihood of reoffense.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

Sec. 521. RCW 70.96A.905 and 1992 c 205 s 306 are each amended to read as follows:

The department shall ensure that the provisions of this chapter are applied by the ((~~counties~~)) behavioral health organizations in a consistent and uniform manner. The department shall also ensure that, to the extent possible within available funds, the ((~~county-designated~~)) behavioral health organization-designated chemical dependency specialists are specifically trained in adolescent chemical dependency issues, the chemical dependency commitment laws, and the criteria for commitment, as specified in this chapter and chapter 70.96A RCW.

Sec. 522. RCW 71.24.300 and 2015 c 269 s 10 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the boundaries of each behavioral health organization. Such exceptions are limited to:

(i) Contracts with neighboring or contiguous regions; or

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

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

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

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

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

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

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

Sec. 523. RCW 71.24.350 and 2014 c 225 s 41 are each amended to read as follows:

The department shall require each behavioral health organization to provide for a separately funded ((~~mental~~)) behavioral health ombuds office in each

behavioral health organization that is independent of the behavioral health organization. The ombuds office shall maximize the use of consumer advocates.

Sec. 524. RCW 9.94A.660 and 2009 c 389 s 3 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

(d) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(e) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(f) The end of the standard sentence range for the current offense is greater than one year; and

(g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a special drug offender sentencing alternative may be made by the court, the offender, or the state.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under RCW 9.94A.662 or a residential chemical dependency treatment-based alternative under RCW 9.94A.664. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

(4) To assist the court in making its determination, the court may order the department to complete either or both a risk assessment report and a chemical dependency screening report as provided in RCW 9.94A.500.

(5)(a) If the court is considering imposing a sentence under the residential chemical dependency treatment-based alternative, the court may order an examination of the offender by the department. The examination shall, at a minimum, address the following issues:

(i) Whether the offender suffers from drug addiction;

(ii) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;

(iii) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the ((~~division of alcohol and substance abuse of the~~)) department of social and health services; and

(iv) Whether the offender and the community will benefit from the use of the alternative.

(b) The examination report must contain:

(i) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and

(ii) Recommended crime-related prohibitions and affirmative conditions.

(6) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate. In addition, an offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring for alcohol or controlled substances.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.

(8) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(10) Costs of examinations and preparing treatment plans under a special drug offender sentencing alternative may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 70.96A.350 (as recodified by this act).

Sec. 525. RCW 10.05.020 and 2010 c 269 s 9 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the petitioner shall allege under oath in the petition that the wrongful conduct charged is the result of or caused by ((~~alcoholism, drug addiction,~~)) substance use disorders or mental problems for which the person is in need of treatment and unless treated the probability of future recurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis and treatment of the alleged problem or problems if financially able to do so. The petition shall also contain a case history and written assessment prepared by an approved ((~~alcoholism~~)) substance use disorder treatment program as designated in chapter ((~~70.96A~~)) 71.24 RCW if the petition alleges ((~~alcoholism, an approved drug program as designated in chapter 71.24 RCW if the petition alleges drug addiction,~~)) a substance use disorder or by an approved mental health center if the petition alleges a mental problem.

(2) In the case of a petitioner charged with a misdemeanor or gross misdemeanor under chapter 9A.42 RCW, the petitioner shall allege under oath in the petition that the petitioner is the natural or adoptive parent of the alleged victim; that the wrongful conduct charged is the result of parenting problems for which the petitioner is in need of services; that the petitioner is in need of child welfare services under chapter 74.13 RCW to improve his or her parenting skills in order to better provide his or her child or children with the basic necessities of life; that the petitioner wants to correct his or her conduct to reduce the likelihood of harm to his or her minor children; that in the absence of child welfare services the petitioner may be unable to reduce the likelihood of harm to his or her minor children; and that the petitioner has cooperated with the department of social and health services to develop a plan to receive appropriate child welfare services; along with a statement that the person agrees to pay the cost of the services if he or she is financially able to do so. The petition shall also contain a case history and a written service plan from the department of social and health services.

(3) Before entry of an order deferring prosecution, a petitioner shall be advised of his or her rights as an accused and execute, as a condition of receiving treatment, a statement that contains: (a) An acknowledgment of his or her rights; (b) an acknowledgment and waiver of the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; (c) a stipulation to the admissibility and sufficiency of the facts contained in the written police report; and (d) an acknowledgment that the statement will be entered and used to support a finding of guilty if the court finds cause to revoke the order granting deferred prosecution. The petitioner shall also be advised that he or she may, if he or she proceeds to trial and is found guilty, be allowed to seek suspension of some or all of the fines and incarceration that may be ordered upon the condition that he or she seek treatment and, further, that he or she may seek treatment from public and private agencies at any time without regard to whether or not he or she is found guilty of the offense charged. He or she shall also be advised that the court will not accept a petition for deferred prosecution from a person who: (i) Sincerely believes that he or she is innocent of the charges; (ii) sincerely believes that he or she does not, in fact, suffer from alcoholism, drug addiction, or mental problems; or (iii) in the case of a petitioner charged under chapter 9A.42 RCW, sincerely believes that he or she does not need child welfare services.

(4) Before entering an order deferring prosecution, the court shall make specific findings that: (a) The petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report; (b) the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution; (c) the petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; and (d) the petitioner's statements were made knowingly and voluntarily. Such findings shall be included in the order granting deferred prosecution.

Sec. 526. RCW 10.05.030 and 2002 c 219 s 8 are each amended to read as follows:

The arraigning judge upon consideration of the petition and with the concurrence of the prosecuting attorney may continue the arraignment and refer such person for a diagnostic investigation and evaluation to an approved ((~~alcoholism~~)) substance use disorder treatment program as designated in chapter ((~~70.96A~~)) 71.24 RCW, if the petition alleges ((~~an alcohol problem, an approved drug treatment center as designated in chapter 71.24 RCW, if the petition alleges a drug problem~~)) a substance use disorder, to an approved mental health center, if the petition alleges a mental problem, or the department of social and health services if the petition is brought under RCW 10.05.020(2).

Sec. 527. RCW 10.05.150 and 1999 c 143 s 43 are each amended to read as follows:

A deferred prosecution program for alcoholism shall be for a two-year period and shall include, but not be limited to, the following requirements:

(1) Total abstinence from alcohol and all other nonprescribed mind-altering drugs;

(2) Participation in an intensive inpatient or intensive outpatient program in a state-approved ((~~alcoholism~~)) substance use disorder treatment program;

(3) Participation in a minimum of two meetings per week of an alcoholism self-help recovery support group, as determined by the assessing agency, for the duration of the treatment program;

(4) Participation in an alcoholism self-help recovery support group, as determined by the assessing agency, from the date of court approval of the plan to entry into intensive treatment;

(5) Not less than weekly approved outpatient counseling, group or individual, for a minimum of six months following the intensive phase of treatment;

(6) Not less than monthly outpatient contact, group or individual, for the remainder of the two-year deferred prosecution period;

(7) The decision to include the use of prescribed drugs, including disulfiram, as a condition of treatment shall be reserved to the treating facility and the petitioner's physician;

(8) All treatment within the purview of this section shall occur within or be approved by a state-approved ((~~alcoholism~~)) substance use disorder treatment program as described in chapter 70.96A RCW;

(9) Signature of the petitioner agreeing to the terms and conditions of the treatment program.

Sec. 528. RCW 70.96C.020 and 2005 c 504 s 602 are each amended to read as follows:

The department of corrections shall, to the extent that resources are available for this purpose, utilize the integrated, comprehensive screening and assessment process for chemical dependency and mental disorders developed under RCW 70.96C.010 (as recodified by this act).

NEW SECTION. **Sec. 529.** RCW 43.135.03901 is decodified.

Sec. 530. RCW 46.61.5055 and 2015 2nd sp.s. c 3 s 9 are each amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than three hundred sixty-four days. Twenty-four consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than three hundred sixty-four days. Forty-eight consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the

cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) **One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. In lieu of the mandatory minimum term of sixty days electronic home monitoring, the court may order at least an additional four days in jail or, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and the court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. In lieu of the mandatory minimum term of ninety days electronic home monitoring, the court may order at least an additional six days in jail or, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and the court shall order an expanded

alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(3) **Two or three prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or three prior offenses within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred twenty days of electronic home monitoring, the court may order at least an additional eight days in jail. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the

person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred fifty days of electronic home monitoring, the court may order at least an additional ten days in jail. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) **Four or more prior offenses in ten years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has four or more prior offenses within ten years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.**

(a) **Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative

source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **Ignition interlock device substituted for 24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional six months;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment and a fine of not less than one thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment and a fine of not less than two thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two or three prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment and a fine of not less than three thousand dollars and not more than ten thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(7) **Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) **Treatment and information school.** An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(9) **Driver's license privileges of the defendant.** The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) **Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) **Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) **Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to

drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) **Conditions of probation.** (a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720(3). The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) **Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence

with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) **Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

(14) **Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed

as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means ((~~alcohol or drug~~)) substance use disorder treatment approved by the department of social and health services;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ten years" means that the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

Sec. 531. RCW 46.61.5056 and 2011 c 293 s 13 are each amended to read as follows:

(1) A person subject to alcohol assessment and treatment under RCW 46.61.5055 shall be required by the court to complete a course in an alcohol information school approved by the department of social and health services or to complete more intensive treatment in a substance use disorder treatment program approved by the department of social and health services, as determined by the court. The court shall notify the department of licensing whenever it orders a person to complete a course or treatment program under this section.

(2) A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the court and the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a substance use disorder treatment program approved by the department of social and health services.

(3) Standards for approval for alcohol treatment programs shall be prescribed by the department of social and health services. The department of social and health services shall periodically review the costs of alcohol information schools and treatment programs.

(4) Any agency that provides treatment ordered under RCW 46.61.5055, shall immediately report to the appropriate probation department where applicable, otherwise to the court, and to the department of licensing any noncompliance by a person with the conditions of his or her ordered treatment. The court shall notify the department of licensing and the department of social and health services of any failure by an agency to so report noncompliance. Any agency with knowledge of noncompliance that fails to so report shall be fined two hundred fifty dollars by the department of social and health services. Upon three such failures by an agency within one year, the department of social and health services shall revoke the agency's approval under this section.

(5) The department of licensing and the department of social and health services may adopt such rules as are necessary to carry out this section.

Sec. 532. RCW 82.04.4277 and 2014 c 225 s 104 are each amended to read as follows:

(1) A health or social welfare organization may deduct from the measure of tax amounts received as compensation for providing mental health services or chemical dependency services under a government-funded program.

(2) A behavioral health organization may deduct from the measure of tax amounts received from the state of Washington for distribution to a health or social welfare organization that is eligible to deduct the distribution under subsection (1) of this section.

(3) A person claiming a deduction under this section must file a complete annual report with the department under RCW 82.32.534.

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

(a) "Chemical dependency" has the same meaning as provided in RCW 70.96A.020.

(b) "Health or social welfare organization" has the meaning provided in RCW 82.04.431.

((~~(b)~~)) (c) "Mental health services" and "behavioral health organization" have the meanings provided in RCW 71.24.025.

(5) This section expires ((~~August 1, 2016~~)) January 1, 2020.

NEW SECTION. **Sec. 533.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The department and the Washington state health care authority shall convene a task force including participation by a representative cross-section of behavioral health organizations and behavioral health providers to align regulations between behavioral health and primary health care settings and simplify regulations for behavioral health providers. The alignment must support clinical integration from the standpoint of standardizing practices and culture in a manner that to the extent practicable reduces barriers to access, including reducing the paperwork burden for patients and providers. Brief integrated behavioral health services must not, in general, take longer to document than to provide. Regulations should emphasize the desired outcome rather than how they should be achieved. The task force may also make recommendations to the department concerning subsections (2) and (3) of this section.

(2) The department shall collaborate with the department of health, the Washington state health care authority, and other appropriate government partners to reduce unneeded costs and burdens to health plans and providers associated with excessive audits, the licensing process, and contracting. In pursuit of this goal, the department shall consider steps such as cooperating across divisions and agencies to combine audit functions when multiple audits of an agency or site are scheduled, sharing audit information across divisions and agencies to reduce redundancy of audits, and treating organizations with multiple sites and programs as single entities instead of as multiple agencies.

(3) The department shall review its practices under RCW 71.24.035(5)(c)(i) to determine whether its practices comply with the statutory mandate to deem accreditation by recognized behavioral health accrediting bodies as equivalent to meeting licensure requirements, comport with standard practices used by other state divisions or agencies, and properly incentivize voluntary accreditation to the highest industry standards.

(4) The task force described in subsection (1) of this section must consider means to provide notice to parents when a minor requests chemical dependency treatment, which are consistent with federal privacy laws and consistent with the best interests of the minor and the minor's family. The department must provide a report to the relevant committees of the legislature by December 1, 2016.

NEW SECTION. **Sec. 534.** The department of social and health services and the Washington state health care authority shall report their progress under section 533 of this act to the relevant committees of the legislature by December 15, 2016.

PART VI
REPEALERS FOR ADMINISTRATIVE PROVISIONS

NEW SECTION. **Sec. 601.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective April 1, 2016:

(1) RCW 70.96A.010 (Declaration of policy) and 2014 c 225 s 18, 1989 c 271 s 304, & 1972 ex.s. c 122 s 1;

(2) RCW 70.96A.030 (Substance use disorder program) and 2014 c 225 s 21, 1989 c 270 s 4, & 1972 ex.s. c 122 s 3;

(3) RCW 70.96A.045 (Funding prerequisites, facilities, plans, or programs receiving financial assistance) and 1989 c 270 s 10;

(4) RCW 70.96A.060 (Interdepartmental coordinating committee) and 2014 c 225 s 24, 1989 c 270 s 8, 1979 c 158 s 220, & 1972 ex.s. c 122 s 6;

(5) RCW 70.96A.150 (Records of persons treated for alcoholism and drug addiction) and 1990 c 151 s 1, 1989 c 162 s 1, & 1972 ex.s. c 122 s 15;

(6) RCW 70.96A.300 (Counties may create alcoholism and other drug addiction board—Generally) and 2014 c 225 s 31 & 1989 c 270 s 15;

(7) RCW 70.96A.310 (County alcoholism and other drug addiction program—Chief executive officer of program to be program coordinator) and 1989 c 270 s 16;

(8) RCW 70.96A.320 (Alcoholism and other drug addiction program—Generally) and 2014 c 225 s 32, 2013 c 320 s 8, 1990 c 151 s 9, & 1989 c 270 s 17; and

(9) RCW 70.96A.325 (Methamphetamine addiction programs—Counties authorized to seek state funding) and 2006 c 339 s 101.

PART VII
RECODIFICATION

NEW SECTION. **Sec. 701.** (1) RCW 70.96A.035, RCW 70.96A.037, 70.96A.040, 70.96A.043, 70.96A.047, 70.96A.050, RCW 70.96A.055, 70.96A.080, 70.96A.085, 70.96A.087, 70.96A.090, 70.96A.100, 70.96A.170, 70.96A.190, 70.96A.350, 70.96A.400, 70.96A.410, 70.96A.420, 70.96A.430, 70.96A.500, 70.96A.510, 70.96A.520, 70.96A.800, 70.96A.905, and 70.96C.010 are each recodified as sections in chapter 71.24 RCW.

(2) RCW 70.96C.020 is recodified as a section in chapter 72.09 RCW.

PART VIII
MISCELLANEOUS

NEW SECTION. **Sec. 801.** This act may be known and cited as Ricky Garcia's act.

NEW SECTION. **Sec. 802.** This act does not create any new entitlement or cause of action related to civil commitment under this chapter, and cannot form the basis for a private right of action.

NEW SECTION. **Sec. 803.** (1) Sections 501, 503 through 532, and 701 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect April 1, 2016.

(2) Sections 201 through 210, 212, 214 through 224, 226 through 232, 234 through 237, 239 through 242, 244 through 267, 269, 271, 273, 274, 276, 278, 279, 281, 401 through 429, and 502 of this act take effect April 1, 2018.

(3) Sections 211, 213, 225, 233, 238, 243, 268, 270, 272, 275, 277, and 280 of this act take effect July 1, 2026.

NEW SECTION. **Sec. 804.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void.

Passed by the House March 29, 2016.

Passed by the Senate March 29, 2016.

Approved by the Governor April 18, 2016.

Filed in Office of Secretary of State April 18, 2016.

CHAPTER 30

[Engrossed Second Substitute House Bill 1725]

IN-HOME PERSONAL CARE AND RESPITE SERVICES--INDIVIDUAL PROVIDERS--COMPENSATION

AN ACT Relating to the consumer's right to assign hours to individual providers and the department of social and health services' authority to adopt rules related to payment of individual providers; amending RCW 74.39A.270; adding a new section to chapter 74.39A RCW; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 74.39A.270 and 2011 1st sp.s. c 21 s 10 are each amended to read as follows:

(1) Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer, as defined in chapter 41.56 RCW, of individual providers, who, solely for the purposes of collective bargaining, are public employees as defined in chapter 41.56 RCW. To accommodate the role of the state as payor for the community-based services provided under this chapter and to ensure coordination with state employee collective bargaining under chapter 41.80 RCW and the coordination necessary to implement RCW 74.39A.300, the public employer shall be represented for bargaining purposes by the governor or the governor's designee appointed under chapter 41.80 RCW. The governor or governor's designee shall periodically consult with the authority during the collective bargaining process to allow the authority to communicate issues relating to the long-term in-home care services received by consumers. The department shall solicit input from the developmental disabilities council, the governor's committee on disability issues and employment, the state council on aging, and other consumer advocacy organizations to obtain informed input from consumers on their interests, including impacts on consumer choice, for all issues proposed for collective bargaining under subsections (5) and (6) of this section.

(2) Chapter 41.56 RCW governs the collective bargaining relationship between the governor and individual providers, except as otherwise expressly provided in this chapter and except as follows:

(a) The only unit appropriate for the purpose of collective bargaining under RCW 41.56.060 is a statewide unit of all individual providers;

(b) The showing of interest required to request an election under RCW 41.56.060 is ten percent of the unit, and any intervener seeking to appear on the ballot must make the same showing of interest;

(c) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

(i) With respect to commencement of negotiations between the governor and the bargaining representative of individual providers, negotiations shall be commenced by May 1st of any year prior to the year in which an existing collective bargaining agreement expires; and

(ii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and fringe benefit provisions of the arbitrated collective bargaining agreement, is not binding on the authority or the state;

(d) Individual providers do not have the right to strike; and

(e) Individual providers who are related to, or family members of, consumers or prospective consumers are not, for that reason, exempt from this chapter or chapter 41.56 RCW.

(3) Individual providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state, its political subdivisions, or an area agency on aging for any purpose. Chapter 41.56 RCW applies only to the governance of the collective bargaining relationship between the employer and individual providers as provided in subsections (1) and (2) of this section.

(4) Consumers and prospective consumers retain the right to select, hire, supervise the work of, and terminate any individual provider providing services to them. Consumers may elect to receive long-term in-home care services from individual providers who are not referred to them by the authority.

(5) Except as expressly limited in this section and RCW 74.39A.300, the wages, hours, and working conditions of individual providers are determined solely through collective bargaining as provided in this chapter. Except as described in subsection (9) of this section, no agency or department of the state may establish policies or rules governing the wages or hours of individual providers. ((~~However,~~)) This subsection does not modify:

(a) The department's authority to establish a plan of care for each consumer or its core responsibility to manage long-term in-home care services under this chapter, including determination of the level of care that each consumer is eligible to receive. However, at the request of the exclusive bargaining representative, the governor or the governor's designee appointed under chapter 41.80 RCW shall engage in collective bargaining, as defined in RCW 41.56.030(4), with the exclusive bargaining representative over how the department's core responsibility affects hours of work for individual providers. This subsection shall not be interpreted to require collective bargaining over an individual consumer's plan of care;

(b)(i) The requirement that the number of hours the department may pay any single individual provider is limited to:

(A) Sixty hours each workweek if the individual provider was working an average number of hours in excess of forty hours for the workweeks during January 2016, except for fiscal years 2016 and 2017, the limit is sixty-five hours each workweek; or

(B) Forty hours each workweek if the individual provider was not working an average number of hours in excess of forty hours for the workweeks during January 2016, or had no reported hours for the month of January 2016.

(ii) Additional hours may be authorized under criteria established by rules adopted by the department under subsection (9) of this section.

(iii) Additional hours may be authorized for required training under RCW 74.39A.074, 74.39A.076, and 74.39A.341.

(iv) An individual provider may appeal to the department for qualification for the hour limitation in (b)(i)(A) of this subsection if the average weekly hours the provider was working in January 2016 materially underrepresent the average weekly hours worked by the individual provider during the first three months of 2016.

(v) No individual provider is subject to the hour limitations in (b)(i)(A) of this subsection until the department has conducted a review of the plan of care

for the consumers served by the provider. The department shall review plans of care expeditiously, starting with consumers connected with the most individual provider overtime;

(c) The requirement that the total number of additional hours in excess of forty hours authorized under (b) of this subsection and subsection (9) of this section are limited by the total hours as provided in subsection (10) of this section;

(d) The department's authority to terminate its contracts with individual providers who are not adequately meeting the needs of a particular consumer, or to deny a contract under RCW 74.39A.095(8);

(((~~(c)~~))) (e) The consumer's right to assign hours to one or more individual providers ((~~selected by the consumer within the maximum hours determined by~~)) consistent with the rules adopted under this chapter and his or her plan of care;

(((~~(d)~~))) (f) The consumer's right to select, hire, terminate, supervise the work of, and determine the conditions of employment for each individual provider providing services to the consumer under this chapter;

(((~~(e)~~))) (g) The department's obligation to comply with the federal medicaid statute and regulations and the terms of any community-based waiver granted by the federal department of health and human services and to ensure federal financial participation in the provision of the services; and

(((~~(f)~~))) (h) The legislature's right to make programmatic modifications to the delivery of state services under this title, including standards of eligibility of consumers and individual providers participating in the programs under this title, and the nature of services provided. The governor shall not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection (5)(((~~(f)~~))) (h).

(6) At the request of the exclusive bargaining representative, the governor or the governor's designee appointed under chapter 41.80 RCW shall engage in collective bargaining, as defined in RCW 41.56.030(4), with the exclusive bargaining representative over employer contributions to the training partnership for the costs of: (a) Meeting all training and peer mentoring required under this chapter; and (b) other training intended to promote the career development of individual providers.

(7) The state, the department, the area agencies on aging, or their contractors under this chapter may not be held vicariously or jointly liable for the action or inaction of any individual provider or prospective individual provider, whether or not that individual provider or prospective individual provider was included on the referral registry or referred to a consumer or prospective consumer. The existence of a collective bargaining agreement, the placement of an individual provider on the referral registry, or the development or approval of a plan of care for a consumer who chooses to use the services of an individual provider and the provision of case management services to that consumer, by the department or an area agency on aging, does not constitute a special relationship with the consumer.

(8) Nothing in this section affects the state's responsibility with respect to unemployment insurance for individual providers. However, individual providers are not to be considered, as a result of the state assuming this responsibility, employees of the state.

(9) The department may not pay any single individual provider more than the hours listed in subsection (5)(b) of this section unless the department authorizes additional hours under criteria established by rule. The criteria must be limited in scope to reduce the state's exposure to payment of overtime, address travel time from worksite to worksite, and address the following needs of consumers:

(a) Ensuring that consumers are not at increased risk for institutionalization;

(b) When there is a limited number of providers within the geographic region of the consumer;

(c) When there is a limited number of providers available to support a consumer with complex medical and behavioral needs or specific language needs;

(d) Emergencies that could pose a health and safety risk for consumers; and

(e) Instances where the cost of the allowed hour is less than other alternatives to provide care to a consumer, distinct from any increased risk of institutionalization.

(10)(a) Each fiscal year, the department shall establish a spending plan and a system to monitor the authorization and cost of hours in excess of forty hours each workweek from subsections (5)(b) and (9) of this section beginning July 1, 2016, and each fiscal year thereafter. Expenditures for hours in excess of forty hours each workweek under subsections (5)(b) and (9) of this section shall not exceed 8.75 percent of the total average authorized personal care hours for the fiscal year as projected by the caseload forecast council. The caseload forecast council may adopt a temporary adjustment to the 8.75 percent of the total average hours projection for that fiscal year, up to a maximum of 10.0 percent, if it finds a higher percentage of overtime hours is necessitated by a shortage of individual providers to provide adequate client care, taking into consideration factors including the criteria in subsection (9) of this section. If the council elects to temporarily increase the limit, it may do so only upon a majority vote of the council.

(b) The department also shall provide expenditure reports beginning September 1, 2016, and on a quarterly basis thereafter. If the department determines, based upon quarterly expenditure reports, that the annual expenditures will exceed the limitation established in (a) of this subsection, the department shall take those actions necessary to ensure compliance with the limitation.

(c) The spending plan and expenditure reports must be submitted to the legislative fiscal committees and the joint legislative-executive overtime oversight task force. The joint legislative-executive overtime oversight task force members are as follows:

(i) Two members from each of the two largest caucuses of the senate, appointed by the respective caucus leaders.

(ii) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives.

(iii) The governor shall appoint members representing the department of social and health services and the office of financial management.

(iv) The governor shall appoint two members representing individual providers and two members representing consumers receiving personal care or respite care services from an individual provider.

(d) The task force shall meet at least annually, but may meet more frequently as desired by the task force. The task force shall choose cochairs, one from among the legislative members and one from among the executive branch members.

(e) The department is authorized to adopt rules, including emergency rules under RCW 34.05.350, to implement this subsection.

NEW SECTION. **Sec. 2.** The department of social and health services shall immediately adopt emergency rules under RCW 34.05.350 to limit the number of hours per workweek that the department may pay any single provider to forty hours and to establish criteria to authorize additional hours in accordance with section 1 of this act. The emergency rules shall remain in effect until permanent rules can be adopted.

NEW SECTION. **Sec. 3.** A new section is added to chapter 74.39A RCW to read as follows:

In order to monitor quality of care and safety of consumers, employment conditions of individual providers, and compliance with the provisions of payment of hours in excess of forty hours each workweek for any single provider, the department must provide quarterly expenditure reports to the legislative fiscal committees and joint legislative-executive overtime oversight task force created in RCW 74.39A.270(10). The report must contain the following information:

(1) The number of providers receiving payment for more than forty hours in a workweek, specifying how many of those providers were eligible for those hours due to meeting the conditions of RCW 74.39A.270 (5)(b)(i)(A), (b)(ii), (b)(iii), and (9).

(2) The number of hours paid and the amount paid for hours in excess of forty hours in a workweek, specifying how many of those hours and payments were for providers eligible for those hours and payments due to meeting the conditions of RCW 74.39A.270 (5)(b)(i)(A), (b)(ii), (b)(iii), and (9).

(3) In reporting the information required in subsections (1) and (2) of this section, the department must provide total amounts, averages, and a display of the distribution of the amounts.

(4) The information required must be provided by department region and county of client, department program, and must be specified for providers by the number of clients they serve.

(5) Any personally identifiable information of consumers and individual providers used to develop this report is confidential and exempt from public disclosure, inspection, or copying under chapter 42.56 RCW. However, information may be released in aggregate form, with any personally identifiable information redacted, for the purpose of statistical analysis and oversight of agency performance and actions.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House March 29, 2016.
Passed by the Senate March 29, 2016.
Approved by the Governor April 18, 2016.
Filed in Office of Secretary of State April 18, 2016.

CHAPTER 31

[Engrossed Substitute House Bill 2450]

CRITICAL ACCESS HOSPITALS--PARTICIPATION IN WASHINGTON RURAL HEALTH ACCESS PRESERVATION PILOT

AN ACT Relating to allowing critical access hospitals participating in the Washington rural health access preservation pilot to resume critical access hospital payment and licensure; amending RCW 74.09.5225, 70.41.090, and 70.38.111; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds that small critical access hospitals provide essential services to their communities. The legislature recognizes the need to offer small critical access hospitals the opportunity to pilot different delivery and payment models than may be currently allowed under the critical access hospital program. The legislature also intends to allow these participating hospitals to return to the critical access hospital program if they so choose.

Sec. 2. RCW 74.09.5225 and 2014 c 57 s 2 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. RCW 70.41.090 and 1992 c 27 s 3 are each amended to read as follows:

(1) No person or governmental unit of the state of Washington, acting separately or jointly with any other person or governmental unit, shall establish, maintain, or conduct a hospital in this state, or use the word "hospital" to describe or identify an institution, without a license under this chapter: PROVIDED, That the provisions of this section shall not apply to state mental institutions and psychiatric hospitals which come within the scope of chapter 71.12 RCW.

(2) After June 30, 1989, no hospital shall initiate a tertiary health service as defined in RCW 70.38.025(14) unless it has received a certificate of need as provided in RCW 70.38.105 and 70.38.115.

(3) A rural health care facility licensed under RCW 70.175.100 formerly licensed as a hospital under this chapter may, within three years of the effective date of the rural health care facility license, apply to the department for a hospital license and not be required to meet certificate of need requirements under chapter 70.38 RCW as a new health care facility and not be required to meet new construction requirements as a new hospital under this chapter. These exceptions are subject to the following: The facility at the time of initial conversion was considered by the department to be in compliance with the hospital licensing rules and the condition of the physical plant and equipment is equal to or exceeds the level of compliance that existed at the time of conversion

to a rural health care facility. The department shall inspect and determine compliance with the hospital rules prior to reissuing a hospital license.

(4) A rural hospital, as defined by the department, reducing the number of licensed beds to become a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. may, within three years of the reduction of licensed beds, increase the number of beds licensed under this chapter to no more than the previously licensed number of beds without being subject to the provisions of chapter 70.38 RCW and without being required to meet new construction requirements under this chapter. These exceptions are subject to the following: The facility at the time of the reduction in licensed beds was considered by the department to be in compliance with the hospital licensing rules and the condition of the physical plant and equipment is equal to or exceeds the level of compliance that existed at the time of the reduction in licensed beds. The department may inspect and determine compliance with the hospital rules prior to increasing the hospital license.

(5) If a rural hospital is determined to no longer meet critical access hospital status for state law purposes as a result of participation in the Washington rural health access preservation pilot identified by the state office of rural health, the rural hospital may renew its license by applying to the department for a hospital license and the previously licensed number of beds without being subject to the provisions of chapter 70.38 RCW and without being required to meet new construction review requirements under this chapter. These exceptions are subject to the following: The hospital, at the time it began participation in the pilot, was considered by the department to be in compliance with the hospital licensing rules, and the condition of the physical plant and equipment is equal to or exceeds the level of compliance that existed at the time of the reduction in licensed beds. The department may inspect and determine compliance with the hospital licensing rules. If all or part of a formerly licensed rural hospital is sold, purchased, or leased during the period the rural hospital does not meet critical access hospital status as a result of participation in the Washington rural health access preservation pilot and the new owner or lessor applies to renew the rural hospital's license, then the sale, purchase, or lease of part or all of the rural hospital is subject to the provisions of chapter 70.38 RCW.

Sec. 4. RCW 70.38.111 and 2014 c 225 s 106 are each amended to read as follows:

(1) The department shall not require a certificate of need for the offering of an inpatient tertiary health service by:

(a) A health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (ii) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;

(b) A health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or

indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination; or

(c) A health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application is submitted under subsection (2) of this section, at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization;

if, with respect to such offering or obligation by a nursing home, the department has, upon application under subsection (2) of this section, granted an exemption from such requirement to the organization, combination of organizations, or facility.

(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under subsection (1) of this section from obtaining a certificate of need before offering a tertiary health service unless:

(a) It has submitted at least thirty days prior to the offering of services reviewable under RCW 70.38.105(4)(d) an application for such exemption; and

(b) The application contains such information respecting the organization, combination, or facility and the proposed offering or obligation by a nursing home as the department may require to determine if the organization or combination meets the requirements of subsection (1) of this section or the facility meets or will meet such requirements; and

(c) The department approves such application. The department shall approve or disapprove an application for exemption within thirty days of receipt of a completed application. In the case of a proposed health care facility (or portion thereof) which has not begun to provide tertiary health services on the date an application is submitted under this subsection with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of subsection (1) of this section when the facility first provides such services. The department shall approve an application submitted under this subsection if it determines that the applicable requirements of subsection (1) of this section are met.

(3) A health care facility (or any part thereof) with respect to which an exemption was granted under subsection (1) of this section may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired and a health care facility described in (1)(c) which was granted an exemption under subsection (1) of this section may not be used by any person other than the lessee described in (1)(c) unless:

(a) The department issues a certificate of need approving the sale, lease, acquisition, or use; or

(b) The department determines, upon application, that (i) the entity to which the facility is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of (1)(a)(i), and (ii) with respect to such facility, meets the requirements of (1)(a)(ii) or (iii) or the requirements of (1)(b)(i) and (ii).

(4) In the case of a health maintenance organization, an ambulatory care facility, or a health care facility, which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, the department may under the program apply its certificate of need requirements to the offering of inpatient tertiary health services to the extent that such offering is not exempt under the provisions of this section or RCW 70.38.105(7).

(5)(a) The department shall not require a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community that:

(i) Offers services only to contractual members;

(ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some assistance with daily living activities;

(iii) Contractually assumes responsibility for the cost of services exceeding the member's financial responsibility under the contract, so that no third party, with the exception of insurance purchased by the retirement community or its members, but including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources;

(iv) Has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the state assuring that financial liability for services to members, including nursing home services, will not fall upon the state;

(vi) Does not operate, and has not undertaken a project that would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has obtained a professional review of pricing and long-term solvency within the prior five years which was fully disclosed to members.

(b) A continuing care retirement community shall not be exempt under this subsection from obtaining a certificate of need unless:

(i) It has submitted an application for exemption at least thirty days prior to commencing construction of, is submitting an application for the licensure of, or is commencing operation of a nursing home, whichever comes first; and

(ii) The application documents to the department that the continuing care retirement community qualifies for exemption.

(c) The sale, lease, acquisition, or use of part or all of a continuing care retirement community nursing home that qualifies for exemption under this

subsection shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions of (a) of this subsection.

(6) A rural hospital, as defined by the department, reducing the number of licensed beds to become a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. may, within three years of the reduction of beds licensed under chapter 70.41 RCW, increase the number of licensed beds to no more than the previously licensed number without being subject to the provisions of this chapter.

(7) A rural health care facility licensed under RCW 70.175.100 formerly licensed as a hospital under chapter 70.41 RCW may, within three years of the effective date of the rural health care facility license, apply to the department for a hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW and there is no redistribution in the number of beds used for acute care or long-term care, the rural health care facility has been in continuous operation, and the rural health care facility has not been purchased or leased.

(8) A rural hospital determined to no longer meet critical access hospital status for state law purposes as a result of participation in the Washington rural health access preservation pilot identified by the state office of rural health and formerly licensed as a hospital under chapter 70.41 RCW may apply to the department to renew its hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW. If all or part of a formerly licensed rural hospital is sold, purchased, or leased during the period the rural hospital does not meet critical access hospital status as a result of participation in the Washington rural health access preservation pilot and the new owner or lessor applies to renew the rural hospital's license, then the sale, purchase, or lease of part or all of the rural hospital is subject to the provisions of chapter 70.38 RCW.

(9)(a) A nursing home that voluntarily reduces the number of its licensed beds to provide assisted living, licensed assisted living facility care, adult day care, adult day health, respite care, hospice, outpatient therapy services, congregate meals, home health, or senior wellness clinic, or to reduce to one or two the number of beds per room or to otherwise enhance the quality of life for residents in the nursing home, may convert the original facility or portion of the facility back, and thereby increase the number of nursing home beds to no more than the previously licensed number of nursing home beds without obtaining a certificate of need under this chapter, provided the facility has been in continuous operation and has not been purchased or leased. Any conversion to the original licensed bed capacity, or to any portion thereof, shall comply with the same life and safety code requirements as existed at the time the nursing home voluntarily reduced its licensed beds; unless waivers from such requirements were issued, in which case the converted beds shall reflect the conditions or standards that then existed pursuant to the approved waivers.

(b) To convert beds back to nursing home beds under this subsection, the nursing home must:

(i) Give notice of its intent to preserve conversion options to the department of health no later than thirty days after the effective date of the license reduction; and

(ii) Give notice to the department of health and to the department of social and health services of the intent to convert beds back. If construction is required for the conversion of beds back, the notice of intent to convert beds back must be given, at a minimum, one year prior to the effective date of license modification reflecting the restored beds; otherwise, the notice must be given a minimum of ninety days prior to the effective date of license modification reflecting the restored beds. Prior to any license modification to convert beds back to nursing home beds under this section, the licensee must demonstrate that the nursing home meets the certificate of need exemption requirements of this section.

The term "construction," as used in (b)(ii) of this subsection, is limited to those projects that are expected to equal or exceed the expenditure minimum amount, as determined under this chapter.

(c) Conversion of beds back under this subsection must be completed no later than four years after the effective date of the license reduction. However, for good cause shown, the four-year period for conversion may be extended by the department of health for one additional four-year period.

(d) Nursing home beds that have been voluntarily reduced under this section shall be counted as available nursing home beds for the purpose of evaluating need under RCW 70.38.115(2) (a) and (k) so long as the facility retains the ability to convert them back to nursing home use under the terms of this section.

(e) When a building owner has secured an interest in the nursing home beds, which are intended to be voluntarily reduced by the licensee under (a) of this subsection, the applicant shall provide the department with a written statement indicating the building owner's approval of the bed reduction.

((~~(9)~~)) (10)(a) The department shall not require a certificate of need for a hospice agency if:

(i) The hospice agency is designed to serve the unique religious or cultural needs of a religious group or an ethnic minority and commits to furnishing hospice services in a manner specifically aimed at meeting the unique religious or cultural needs of the religious group or ethnic minority;

(ii) The hospice agency is operated by an organization that:

(A) Operates a facility, or group of facilities, that offers a comprehensive continuum of long-term care services, including, at a minimum, a licensed, medicare-certified nursing home, assisted living, independent living, day health, and various community-based support services, designed to meet the unique social, cultural, and religious needs of a specific cultural and ethnic minority group;

(B) Has operated the facility or group of facilities for at least ten continuous years prior to the establishment of the hospice agency;

(iii) The hospice agency commits to coordinating with existing hospice programs in its community when appropriate;

(iv) The hospice agency has a census of no more than forty patients;

(v) The hospice agency commits to obtaining and maintaining medicare certification;

(vi) The hospice agency only serves patients located in the same county as the majority of the long-term care services offered by the organization that operates the agency; and

(vii) The hospice agency is not sold or transferred to another agency.

(b) The department shall include the patient census for an agency exempted under this subsection ((~~(9)~~)) (10) in its calculations for future certificate of need applications.

((~~(10)~~)) (11) To alleviate the need to board psychiatric patients in emergency departments, for fiscal year 2015 the department shall suspend the certificate of need requirement for a hospital licensed under chapter 70.41 RCW that changes the use of licensed beds to increase the number of beds to provide psychiatric services, including involuntary treatment services. A certificate of need exemption under this section shall be valid for two years.

Passed by the House March 29, 2016.
Passed by the Senate March 29, 2016.
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CHAPTER 32

[Second Engrossed Substitute House Bill 2778]

CLEAN ALTERNATIVE FUEL VEHICLES--SALES AND USE TAX EXEMPTION--MODIFICATION

AN ACT Relating to retail sales and use tax exemption criteria for certain clean alternative fuel vehicles; amending RCW 82.08.809 and 82.12.809; creating a new section; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** This section is the tax preference performance statement for the tax preferences contained in sections 2 and 3 of this act. The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(1) The legislature categorizes the tax preference as one intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(2) It is the legislature's specific public policy objective to increase the use of clean alternative fuel vehicles in Washington. It is the legislature's intent to extend the existing sales and use tax exemption on certain clean alternative fuel vehicles in order to reduce the price charged to customers for clean alternative fuel vehicles.

(3) To measure the effectiveness of the tax preferences in sections 2 and 3 of this act in achieving the public policy objectives described in subsection (2) of this section, the joint legislative audit and review committee must evaluate the number of clean alternative fuel vehicles titled in the state.

(4) In order to obtain the data necessary to perform the review in subsection (3) of this section, the department of licensing must provide data needed for the joint legislative audit and review committee analysis. In addition to the data source described under this subsection, the joint legislative audit and review committee may use any other data it deems necessary.

Sec. 2. RCW 82.08.809 and 2015 3rd sp.s. c 44 s 408 are each amended to read as follows:

(1)(a) Except as provided in subsection (4) of this section, the tax levied by RCW 82.08.020 does not apply to sales of new passenger cars, light duty trucks, and medium duty passenger vehicles, which ((~~(a)~~)) (i) are exclusively powered by a clean alternative fuel or ((~~(b)~~)) (ii) use at least one method of propulsion that is capable of being reenergized by an external source of electricity and are capable of traveling at least thirty miles using only battery power.

(b) Beginning with sales made or lease agreements signed on or after July 1, 2016, the exemption in this section is only applicable for up to thirty-two thousand dollars of a vehicle's selling price or the total lease payments made plus the selling price of the leased vehicle if the original lessee purchases the leased vehicle before the expiration of the exemption as described in subsection (6) of this section.

(2) The seller must keep records necessary for the department to verify eligibility under this section.

(3) As used in this section, "clean alternative fuel" means natural gas, propane, hydrogen, or electricity, when used as a fuel in a motor vehicle that meets the California motor vehicle emission standards in Title 13 of the California code of regulations, effective January 1, 2005, and the rules of the Washington state department of ecology.

(4)(a) A sale, other than a lease, of a vehicle identified in subsection (1)(a) of this section made on or after July 15, 2015, and before July 1, 2016, is not exempt from sales tax as described under subsection (1) of this section if the selling price of the vehicle plus trade-in property of like kind exceeds thirty-five thousand dollars.

(b) A sale, other than a lease, of a vehicle identified in subsection (1)(a) of this section made on or after July 1, 2016, and before the expiration of the exemption as described in subsection (6) of this section, is not exempt from sales tax as described under subsection (1)(b) of this section if, at the time of sale, the lowest manufacturer's suggested retail price, as determined in rule by the department of licensing pursuant to chapter 34.05 RCW, for the base model is more than forty-two thousand five hundred dollars.

(c) For leased vehicles for which the lease agreement was signed before July 1, 2015, lease payments are exempt from sales tax as described under subsection (1)(a) of this section regardless of the vehicle's fair market value at the inception of the lease.

(d) For leased vehicles identified in subsection (1)(a) of this section for which the lease agreement is signed on or after July 15, 2015, and before July 1, 2016, lease payments are not exempt from sales tax ((~~as described under subsection (1) of this section~~)) if the fair market value of the vehicle being leased exceeds thirty-five thousand dollars at the inception of the lease. For the purposes of this subsection (4)((~~(b)~~)), "fair market value" has the same meaning as "value of the article used" in RCW 82.12.010.

((~~(c) For leased vehicles for which the lease agreement was signed before July 15, 2015, lease payments are exempt from sales tax as described under subsection (1) of this section regardless of the vehicle's fair market value at the inception of the lease.~~))

(e) For leased vehicles identified in subsection (1)(a) of this section for which the lease agreement is signed on or after July 1, 2016, and before the expiration of the exemption as described in subsection (6) of this section, lease payments are not exempt from sales tax as described under subsection (1)(b) of this section if, at the inception of the lease, the lowest manufacturer's suggested retail price, as determined in rule by the department of licensing pursuant to chapter 34.05 RCW, for the base model is more than forty-two thousand five hundred dollars.

(f) The department of licensing must maintain and publish a list of all vehicle models qualifying for the sales tax exemption under this section until the expiration of the exemption as described in subsection (6) of this section.

(5) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns. For purposes of this section, the first transfer for the calendar quarter after July 15, 2015, must be calculated assuming only those revenues that should have been deposited into the general fund beginning July 1, 2015.

(6) ((~~Lease payments due on or after July 1, 2019, are subject to the taxes imposed under this chapter.~~

~~(7) This section expires July 1, 2019.~~)) (a) The exemption under this section expires, effective with sales of vehicles delivered to the buyer or leased vehicles for which the lease agreement was signed, after the last day of the calendar month immediately following the month the department receives notice from the department of licensing under subsection (7)(b) of this section. All leased vehicles that qualified for the exemption before the expiration of the exemption must continue to receive the exemption as described under subsection (1)(b) of this section on lease payments due through the remainder of the lease.

(b) Upon receiving notice from the department of licensing under subsection (7)(b) of this section, the department must provide notice as soon as is practicable on its web site of the expiration date of the exemption under this section.

(c) For purposes of this subsection, even if the department of licensing provides the department with notice under subsection (7)(b) of this section before the end of the fifth working day of the month notice is required, the notice is deemed to have been received by the department at the end of the fifth working day of the month notice is required.

(d) If, by the end of the fifth working day of May 2019, the department has not received notice from the department of licensing under subsection (7)(b) of this section, the exemption under this section expires effective with sales of vehicles delivered to the buyer or leased vehicles for which the lease agreement was signed after June 30, 2019.

(e) Nothing in this subsection (6) may be construed to affect the validity of any exemption properly allowed by a seller under this section before the

expiration of the exemption as described in (a) of this subsection and reported to the department on returns filed after the expiration of the exemption.

(f) Nothing in this subsection (6) may be construed to allow an exemption under this section for the purchase of a qualifying vehicle by the original lessee of the vehicle after the expiration of the exemption as provided in (a) of this subsection.

(7)(a) By the end of the fifth working day of each month, until the expiration of the exemption as described in subsection (6) of this section, the department of licensing must determine the cumulative number of qualifying vehicles titled on or after July 15, 2015, and provide notice of the cumulative number of these vehicles to the department.

(b) The department of licensing must notify the department once the cumulative number of qualifying vehicles titled in the state on or after July 15, 2015, equals or exceeds seven thousand five hundred.

(8) By the last day of July 2016, and every six months thereafter until the expiration of the exemption as described in subsection (6) of this section, based on the best available data, the department must report the following information to the transportation committees of the legislature: The cumulative number of qualifying vehicles titled in the state on or after July 15, 2015, as reported to it by the department of licensing; and the dollar amount of all state retail sales and use taxes exempted on or after July 15, 2015, under this section and RCW 82.12.809.

(9) For purposes of this section, "qualifying vehicle" means a vehicle qualifying for the exemption under this section or RCW 82.12.809 in which the sale was made or the lease agreement was signed on or after July 15, 2015.

Sec. 3. RCW 82.12.809 and 2015 3rd sp.s. c 44 s 409 are each amended to read as follows:

(1)(a) Except as provided in subsection (4) of this section, ((~~until July 1, 2019,~~)) the provisions of this chapter do not apply in respect to the use of new passenger cars, light duty trucks, and medium duty passenger vehicles, which (((~~(a)~~))) (i) are exclusively powered by a clean alternative fuel or (((~~(b)~~))) (ii) use at least one method of propulsion that is capable of being reenergized by an external source of electricity and are capable of traveling at least thirty miles using only battery power.

(b) Beginning with purchases made or lease agreements signed on or after July 1, 2016, the exemption in this section is only applicable for up to thirty-two thousand dollars of a vehicle's purchase price or the total lease payments made plus the purchase price of the leased vehicle if the original lessee purchases the leased vehicle before the expiration of the exemption as described in RCW 82.08.809(6).

(2) The definitions in RCW 82.08.809 apply to this section.

(3) A taxpayer is not liable for the tax imposed in RCW 82.12.020 on the use, on or after ((~~July 1, 2019~~)) the expiration of the exemption as described in RCW 82.08.809(6), of a passenger car, light duty truck, or medium duty passenger vehicle that is exclusively powered by a clean alternative fuel or uses at least one method of propulsion that is capable of being reenergized by an external source of electricity and is capable of traveling at least thirty miles using only battery power, if the taxpayer used such vehicle in this state before ((~~July 1, 2019~~)) the expiration of the exemption as described in RCW

82.08.809(6), and the use was exempt under this section from the tax imposed in RCW 82.12.020.

(4)(a) For vehicles identified in subsection (1)(a) of this section purchased on or after July 1, 2016, and before the expiration of the exemption as described in RCW 82.08.809(6), or for leased vehicles identified in subsection (1)(a) of this section for which the lease agreement was signed on or after July 1, 2016, and before the expiration of the exemption as described in RCW 82.08.809(6), a vehicle is not exempt from use tax as described under subsection (1)(b) of this section if, at the time the tax is imposed for purchased vehicles or at the inception of the lease for leased vehicles, the lowest manufacturer's suggested retail price, as determined in rule by the department of licensing pursuant to chapter 34.05 RCW, for the base model is more than forty-two thousand five hundred dollars.

(b) For vehicles identified in subsection (1)(a) of this section purchased on or after July 15, 2015, and before July 1, 2016, or for leased vehicles identified in subsection (1)(a) of this section for which the lease agreement was signed on or after July 15, 2015, and before July 1, 2016, a vehicle is not exempt from use tax ((~~as described under subsection (1) of this section~~)) if the fair market value of the vehicle exceeds thirty-five thousand dollars at the time the tax is imposed for purchased vehicles, or at the inception of the lease for leased vehicles.

((~~(b)~~)) (c) For leased vehicles for which the lease agreement was signed before July ((~~15~~)) 1, 2015, lease payments are exempt from use tax as described under subsection (1)(a) of this section regardless of the vehicle's fair market value at the inception of the lease.

(5) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data. For purposes of this section, the first transfer for the calendar quarter after July 15, 2015, must be calculated assuming only those revenues that should have been deposited into the general fund beginning July 1, 2015.

(6) ((~~Lease payments due on or after July 1, 2019, are subject to the taxes imposed under this chapter.~~)) (a) The exemption provided under this section does not apply to the use of new passenger cars, light duty trucks, and medium duty passenger vehicles, or lease payments due on such vehicles, if the date of sale of the vehicle from the seller to the buyer occurred or the lease agreement was signed after the expiration of the exemption as provided in RCW 82.08.809(6).

(b) All leased vehicles that qualified for the exemption before the expiration of the exemption must continue to receive the exemption as described under subsection (1)(b) of this section on lease payments due through the remainder of the lease.

(c) Nothing in this subsection (6) may be construed to allow an exemption under this section for the purchase of a qualifying vehicle by the original lessee of the vehicle after the expiration of the exemption.

NEW SECTION. **Sec. 4.** This act takes effect July 1, 2016.

Passed by the House March 29, 2016.
Passed by the Senate March 29, 2016.
Approved by the Governor April 18, 2016.
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CHAPTER 33

[Substitute Senate Bill 5928]

BELLEVUE COLLEGE--BACHELOR OF SCIENCE DEGREES IN COMPUTER SCIENCE

AN ACT Relating to education; amending RCW 28B.50.140; reenacting and amending RCW 28B.15.069; and adding a new section to chapter 28B.50 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.50 RCW to read as follows:

(1) Subject to approval by the college board, Bellevue college is authorized to offer bachelor of science degrees in computer science.

(2) Bellevue college may develop the curriculum for and design and deliver courses leading to a bachelor of science degree in computer science.

(3) Degree programs developed under this section are subject to approval by the college board under RCW 28B.50.090 before a college may enroll students in upper-division courses.

Sec. 2. RCW 28B.15.069 and 2015 3rd sp.s. c 36 s 5 and 2015 3rd sp.s. c 4 s 945 are each reenacted and amended to read as follows:

(1) The building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the office of financial management and be based on the actual percentage the building fee is of total tuition for each tuition category in the 1994-95 academic year, rounded up to the nearest half percent. After October 9, 2015, the dollar value of the building fee shall not be reduced below the level in the 2014-15 academic year adjusted for inflation. As used in this subsection, "inflation" has the meaning in RCW 28B.15.066(2).

(2) The governing boards of each institution of higher education shall charge to and collect from each student a services and activities fee. A governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in student tuition fees for resident undergraduate students: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. These rate adjustments may exceed the fiscal growth factor. For the 2015-2017 fiscal biennium, each governing board is authorized to increase the services and activities fees by amounts judged reasonable and necessary by the services and activities fee committee and the governing board consistent with the budgeting procedures set forth in RCW 28B.15.045. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(3) Tuition and services and activities fees consistent with subsection (2) of this section shall be set by the state board for community and technical colleges

for community and technical college summer school students unless the college charges fees in accordance with RCW 28B.15.515.

(4) Subject to the limitations of RCW 28B.15.910, each governing board of a community or technical college may charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting courses as it, in its discretion, may determine, consistent with the rules of the state board for community and technical colleges.

(5) The governing board of a college offering an applied baccalaureate degree program under RCW 28B.50.810 or a bachelor of science degree program described in section 1 of this act may charge tuition fees for those courses above the associate degree level at rates consistent with rules adopted by the state board for community and technical colleges, not to exceed tuition fee rates at the regional universities.

Sec. 3. RCW 28B.50.140 and 2015 3rd sp.s. c 4 s 946 are each amended to read as follows:

Each board of trustees:

(1) Shall operate all existing community and technical colleges in its district;

(2) Shall create comprehensive programs of community and technical college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3);

(3) Shall employ for a period to be fixed by the board a college president for each community and technical college and, may appoint a president for the district, and fix their duties and compensation, which may include elements other than salary. Compensation under this subsection shall not affect but may supplement retirement, health care, and other benefits that are otherwise applicable to the presidents as state employees. The board shall also employ for a period to be fixed by the board members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties. Except for increments provided with local resources during the 2015-2017 fiscal biennium, compensation and salary increases under this subsection shall not exceed the amount or percentage established for those purposes in the state appropriations act by the legislature as allocated to the board of trustees by the state board for community and technical colleges. The state board for community and technical colleges shall adopt rules defining the permissible elements of compensation under this subsection;

(4) May establish, in accordance with RCW 28B.77.080, new facilities as community needs and interests demand. However, the authority of boards of trustees to purchase or lease major off-campus facilities shall be subject to the approval of the student achievement council pursuant to RCW 28B.77.080;

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community and technical college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the

operation of the community and technical college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules of the college board; each board of trustees operating a community and technical college may enter into agreements, subject to rules of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs as specified by law and the rules of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt rules to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community and technical college purposes;

(10) May make rules for pedestrian and vehicular traffic on property owned, operated, or maintained by the district;

(11) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the community and technical college or colleges under its control, and publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, degree, or certificate under the rules of the state board for community and technical colleges that are appropriate to their mission. The purposes of these diplomas, certificates, and degrees are to lead individuals directly to employment in a specific occupation or prepare individuals for a bachelor's degree or beyond. Technical colleges may only offer transfer degrees that prepare students for bachelor's degrees in professional fields, subject to rules adopted by the college board. In adopting rules, the college board, where possible, shall create consistency between community and technical colleges and may address issues related to tuition and fee rates; tuition waivers; enrollment counting, including the use of credits instead of clock hours; degree granting authority; or any other rules necessary to offer the associate degrees that prepare students for transfer to bachelor's degrees in professional areas. Only colleges under RCW 28B.50.810 or section 1 of this act may award baccalaureate degrees. The board, upon recommendation of the faculty, may also confer honorary associate of arts degrees, or if it is authorized to award baccalaureate degrees may confer honorary bachelor of applied science degrees, upon persons other than graduates of the community college, in recognition of their learning or

devotion to education, literature, art, or science. No degree may be conferred in consideration of the payment of money or the donation of any kind of property;

(13) Shall enforce the rules prescribed by the state board for community and technical colleges for the government of community and technical colleges, students and teachers, and adopt such rules and perform all other acts not inconsistent with law or rules of the state board for community and technical colleges as the board of trustees may in its discretion deem necessary or appropriate to the administration of college districts: PROVIDED, That such rules shall include, but not be limited to, rules relating to housing, scholarships, conduct at the various community and technical college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community and technical colleges students who refuse to obey any of the duly adopted rules;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board;

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules adopted by the state board for community and technical colleges: PROVIDED, That the whole of such special fee shall go to the college district and be not less than the full instructional costs of such services including any salary increases authorized by the legislature for community and technical college employees during the term of the agreement: PROVIDED FURTHER, That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes;

(17) Notwithstanding any other provision of law, may offer educational services on a contractual basis, charging tuition and fees as set forth in chapter 28B.15 RCW, counting such enrollments for state funding purposes, and may additionally charge a special supplemental fee when necessary to cover the full instructional costs of such services: PROVIDED, That such contracts shall be subject to review by the state board for community and technical colleges and to such rules as the state board may adopt for that purpose in order to assure that the sum of the supplemental fee and the normal state funding shall not exceed the projected total cost of offering the educational service: PROVIDED FURTHER, That enrollments generated by courses offered on the basis of contracts requiring payment of a share of the normal costs of the course will be discounted to the percentage provided by the college;

(18) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes which would affect the efficiency of such association;

(19) May participate in higher education centers and consortia that involve any four-year public or independent college or university in accordance with RCW 28B.77.080;

(20) Shall perform any other duties and responsibilities imposed by law or rule of the state board; and

(21) May confer honorary associate of arts degrees upon persons who request an honorary degree if they were students at the college in 1942 and did not graduate because they were ordered into an internment camp. The honorary degree may also be requested by a representative of deceased persons who meet these requirements. For the purposes of this subsection, "internment camp" means a relocation center to which persons were ordered evacuated by Presidential Executive Order 9066, signed on February 19, 1942.

Passed by the Senate March 29, 2016.
Passed by the House March 29, 2016.
Approved by the Governor April 18, 2016.
Filed in Office of Secretary of State April 18, 2016.

CHAPTER 34

[Engrossed Substitute House Bill 2988]

BUDGET STABILIZATION ACCOUNT--APPROPRIATIONS

AN ACT Relating to making expenditures from the budget stabilization account to make critical investments; creating new sections; making appropriations; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds that the 2015 wildfires constituted a catastrophic event that resulted in a state of emergency. The legislature intends to make appropriations from the budget stabilization account to address this emergency.

NEW SECTION. **Sec. 2.** FOR THE DEPARTMENT OF NATURAL RESOURCES—FIRES.The sum of $154,966,000 is appropriated from the budget stabilization account for the fiscal year ending June 30, 2016, and is provided solely for fire suppression costs incurred by the department of natural resources during the 2015 fire season. Amounts provided in this section may not be used to pay for the department's indirect and administrative expenses. For purposes of RCW 43.88.055(4), the appropriation in this section does not suspend the requirements of RCW 43.88.055(1).

NEW SECTION. **Sec. 3.** FOR THE DEPARTMENT OF FISH AND WILDLIFE—FIRES.The sum of $155,000 is appropriated from the budget stabilization account for the fiscal year ending June 30, 2016, and is provided solely for the fire suppression costs incurred by the department of fish and wildlife during the 2015 fire suppression season. Amounts provided in this section may not be used to pay for the department's indirect and administrative expenses. For purposes of RCW 43.88.055(4), the appropriation in this section does not suspend the requirements of RCW 43.88.055(1).

NEW SECTION. **Sec. 4.** FOR THE WASHINGTON STATE PATROL—FIRES.The sum of $34,365,000 is appropriated from the budget stabilization account for the fiscal year ending June 30, 2016, and is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964.

For purposes of RCW 43.88.055(4), the appropriation in this section does not suspend the requirements of RCW 43.88.055(1).

NEW SECTION. **Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House March 29, 2016.
Passed by the Senate March 29, 2016.
Approved by the Governor April 18, 2016.
Filed in Office of Secretary of State April 18, 2016.

CHAPTER 35

[Engrossed Substitute House Bill 2380]
CAPITAL BUDGET--SUPPLEMENTAL

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 28B.10.027, 39.80.040, 43.83B.430, 70.148.020, and 43.84.180; amending 2015 3rd sp.s. c 3 ss 1013, 1022, 1032, 1033, 1036, 1040, 1076, 1077, 1078, 1079, 1083, 1088, 1095, 1108, 1114, 2004, 2016, 2023, 2029, 2035, 3010, 3020, 3022, 3026, 3028, 3033, 3046, 3047, 3054, 3056, 3059, 3062, 3066, 3074, 3075, 3081, 3084, 3109, 3165, 3166, 3179, 3211, 3229, 3235, 3232, 3184, 4002, 5010, 5011, 5012, 5013, 5026, 5028, 5091, 5054, 5085, 5086, 5089, 5098, 5099, 7001, 7002, 7023, 7012, 7037, 7038, and 1001 (uncodified); adding a new section to chapter 43.79 RCW; adding new sections to 2015 3rd sp.s. c 3 (uncodified); creating a new section; repealing 2015 3rd sp.s. c 3 s 1072 (uncodified); making appropriations; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2017, out of the several funds specified in this act.

PART 1
GENERAL GOVERNMENT

NEW SECTION. **Sec. 1001.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Washington Wildlife and Recreation Program and State Land Acquisition Study (92000003)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the Washington wildlife and recreation program and state land acquisition study as described in section 6005 of this act.

State Building Construction Account—State $350,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $350,000

NEW SECTION. **Sec. 1002.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE COURT OF APPEALS

Spokane Court Facility Upgrade (92000001)
State Building Construction Account—State $103,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $103,000

Sec. 1003. 2015 3rd sp.s. c 3 s 1013 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Drinking Water State Revolving Fund Loan Program (30000095)
Drinking Water Assistance Account—State . . . . . ((~~$6,451,000~~)) $96,819,000
((~~Drinking Water Assistance Repayment Account—State . . . . . $90,368,000~~
~~Subtotal Reappropriation . . . . . $96,819,000~~))
Prior Biennia (Expenditures) $10,863,000
Future Biennia (Projected Costs) $0
TOTAL $107,682,000

Sec. 1004. 2015 3rd sp.s. c 3 s 1022 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Drinking Water State Revolving Fund Loan Program (30000189)

The reappropriations in this section are subject to the following conditions and limitations: For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is obtainable, the public works board must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its drinking water state revolving fund program loan.

Drinking Water Assistance Account—State . . . . . ((~~$4,000,000~~)) $204,000,000
((~~Drinking Water Assistance Repayment Account—State . . . . . $200,000,000~~
~~Subtotal Reappropriation . . . . . $204,000,000~~))
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $680,000,000
TOTAL $884,000,000

Sec. 1005. 2015 3rd sp.s. c 3 s 1032 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Housing Trust Fund Appropriation (30000833)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department to award loans and grants on a competitive basis to affordable housing projects statewide that will produce, at a minimum, a total of 1,900 homes and 500 seasonal beds, in the following categories and amounts:

(a) For people with chronic mental illness, 281 homes;

(b) For homeless families with children, 529 homes;

(c) For people with disabilities, developmental disabilities, veterans, and others, 400 homes; of that number, a minimum of 80 must be for veterans;

(d) For homeless youth, 200 homes;

(e) For farmworkers, 176 homes and 500 seasonal beds;

(f) For seniors, 200 homes;

(g) For homeownership, 100 homes.

(2) If upon review of completed applications, the department determines there are not adequate suitable projects in a category, the department may allocate funds to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

(3) In evaluating projects for homes for homeless families with children specified in subsection (1)(b) of this section, consistent with Engrossed House Bill No. 1633, the department must give preference for applications based on some or all of the criteria in chapter 43.185.070(5), including projects involving collaborative partnerships between local school districts and either public housing authorities or nonprofit housing providers, that help children of low-income families succeed in school.

(4) $625,000 of the appropriation in this section is provided solely for designing, engineering, constructing, installing, and other costs and fees associated with connecting existing and future farmworker housing in Skagit county to the city of Burlington sewer system.

(5)(a) $2,500,000 of the appropriation in this section is provided solely as a grant to ((~~the Puget Sound regional council~~)) King county on behalf of jurisdictions within the regional transit authority district encompassing portions of King, Pierce, and Snohomish counties for a revolving loan fund to support the development of affordable housing opportunities related to equitable transit-oriented development in accordance with Second Engrossed Substitute Senate Bill No. 5987 (transportation revenue). This amount must be provided in the form of a direct grant without a requirement that the grant be a reimbursement for local expenditures.

(b) Amounts provided in this section must be used to ((~~plan, predesign, design, provide technical assistance and financial services, and build low-income housing units in~~)) support the development or preservation of affordable housing opportunities related to equitable transit-oriented development for households whose adjusted income is at or below 80 percent of area median income, including underserved communities of concern. "Underserved communities of concern" are persons and families who: (i) Have incomes at or below thirty percent of the median family income for the county or standard metropolitan statistical area where the project is located; (ii) experience chronic homelessness; and (iii) lack affordable housing. Underserved communities of concern include veterans, immigrants, and refugee communities.

(c) Amounts provided in this section must be matched by local government nonstate cash resources.

(6) $500,000 of the appropriation in this section is provided solely for energy efficiency upgrades for the transitions supportive housing project in north Spokane.

(7) $350,000 of the appropriation in this section is provided solely to the city of Kirkland for the design and construction of an emergency shelter for women and families.

(8) $1,400,000 of the appropriation in this section is provided solely to the city of Bellevue for the design and construction of an emergency shelter for homeless men.

(9)(a) $3,000,000 of the state taxable building construction account—state appropriation and $3,000,000 of the Washington housing trust account—state appropriation are provided solely for the construction or renovation of four health homes that will serve people with severe health and housing challenges, including those who are medically fragile and those who have been diagnosed with a chronic behavioral health disorder. Agencies operating health homes shall employ protocols to improve the care and stability of clients and mental health outcomes. The homes must be located in counties that have adopted the tax, authorized under RCW 82.14.460, for chemical dependency or mental health treatment services and include: (i) The Everett first low barrier housing; (ii) the 22 north emergency housing in Bellingham; (iii) a project in southwest Washington; and (iv) a project in eastern Washington.

(b) Local housing authorities may serve as fiscal agents for the projects.

(10) $1,500,000 of the state taxable building construction account—state appropriation is provided solely for the establishment of a health home in Pierce county. The amount in this subsection is contingent upon Pierce county adopting the tax authorized under RCW 82.14.460.

(11) $1,500,000 of the appropriation in this section is provided solely for the PSKS homeless youth facility in Seattle; and

(12) $1,000,000 of the appropriation in this section is provided solely for cocoon house in Everett.

State Taxable Building Construction
Account—State . . . . . ((~~$75,000,000~~))
$80,000,000
Washington Housing Trust Account—State $3,000,000
Subtotal Appropriation $83,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $220,000,000
TOTAL . . . . . ((~~$295,000,000~~))
$303,000,000

Sec. 1006. 2015 3rd sp.s. c 3 s 1033 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Ultra-Efficient Affordable Housing Demonstration (30000836)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for loans or grants to low-income housing developers to design and construct ultra-high energy efficient housing projects including single and multifamily units;

(2) By December 1, 2015, in consultation with professional building, energy efficiency and housing finance organizations, the office of financial management, and appropriate legislative staff, the department shall develop a

process that is designed to solicit, evaluate, and fund ultra-high energy efficient housing projects as part of the housing trust fund competitive program.

(3) To receive funding, a project must demonstrate energy-saving and renewable energy systems designed to reach net-zero energy use after housing is fully occupied and must provide a life-cycle cost analysis report to the department.

(4) The department must consider, at a minimum and in any order, the following factors in assigning a numerical ranking to a project:

(a) Whether the proposed design has demonstrated that the project will achieve net-zero energy use when fully occupied;

(b) The life-cycle cost of the project;

(c) That the project demonstrates a design, use of materials, and construction process that can be replicated by the Washington building industry;

(d) The extent to which the project leverages nonstate funds;

(e) The extent to which the project is ready to proceed to construction;

(f) Whether the project promotes sustainable use of resources and environmental quality;

(g) Whether the project is being well-managed to fund maintenance and capital depreciation;

(h) Reduction of housing and utilities carbon footprint; and

(i) Other criteria that the department considers necessary to achieve the purpose of this program.

(5) The department must monitor and track the results of the housing projects that receive ultra-high energy efficiency funding under this section. By December 1, 2018, the department must submit a report to appropriate legislative committees documenting:

(a) Project costs compared to the costs of traditional design and construction;

(b) Life-cycle costs;

(c) Use of sustainable resources;

(d) Energy savings and reduction of carbon footprint;

(e) Any lessons learned; and

(f) A data collection plan to monitor actual performance in order to validate projected savings.

(6) $600,000 of the appropriation in this section is provided solely for the Riverton Park home-ownership project in Tukwila.

Washington Housing Trust Account—State $2,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,500,000

Sec. 1007. 2015 3rd sp.s. c 3 s 1036 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Community Behavioral Health Beds - Acute & Residential (92000344)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department of commerce, in collaboration with the department of social and health services, to

issue grants to hospitals or other entities to establish new community hospital inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, triage facilities, or crisis stabilization facilities with sixteen or fewer beds for the purpose of providing short-term detention services through the publicly funded mental health system. Funds may be used for construction and equipment costs associated with establishment of the community hospital inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, triage facilities, or crisis stabilization facilities. These funds may not be used for operating costs associated with the treatment of patients using these services. The department shall establish criteria for the issuance of grants and priority must be given to those proposals to establish new community hospital inpatient psychiatric beds or free-standing evaluation and treatment facilities. The criteria must include:

(a) Evidence that the application was developed in collaboration with one or more regional support networks, as defined in RCW 71.24.025;

(b) Evidence that the applicant has assessed and would meet gaps in geographical access to short-term detention services under chapter 71.05 RCW in their region;

(c) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(d) A commitment by the applicant to maintain the beds or facility for at least a ten-year period;

(e) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(f) A detailed estimate of the costs associated with opening the beds;

(g) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW; and

(h) A lack of local resources, including nonmedicaid operating reserves, and regional fund balances that are not contractually encumbered.

(2) To accommodate the emergent need for inpatient psychiatric services, the department of health and the department of commerce, in collaboration with the department of social and health services shall establish a concurrent and expedited process for the purpose of grant applicants meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, triage facilities, or crisis stabilization facilities.

(3) The following list is subject to the criteria in subsection (1) of this section:

Cascade mental health $3,000,000
((~~Woodmont~~)) Kent recovery center. $5,000,000
Parkside conversion to behavioral health beds . . . . . .((~~$3,000,000~~)) $4,000,000
((~~Navos behavioral health center for children, youth & families~~ . . . . . ~~$2,000,000~~))
Central Washington comprehensive mental health. $2,000,000

Swedish Ballard psychiatric unit $3,000,000
Substance abuse & mental health facilities. $2,000,000
Fairfax behavioral health - Providence health & services facility $1,000
Daybreak Youth Services $1,500,000
(4) Multicare-Franciscan joint venture $5,000,000
(5) State Mental Hospital Diversion Projects $7,552,000

(a) The appropriation in this subsection is provided solely for the department of commerce, in collaboration with the department of social and health services and the health care authority, to issue grants to entities for the development of facilities that provide for the diversion or transition of patients from the state hospitals.

(b) Funds may be used for construction and equipment costs directly associated with the establishment of community hospital inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, crisis triage centers, and crisis stabilization facilities; secure detoxification facilities and co-occurring treatment facilities; or other transitional facilities that provide for the diversion or transition of state hospital patients. These funds may not be used for operating costs associated with the treatment of patients using these services.

(c) The department, in collaboration with the department of social and health services and the health care authority, shall establish criteria for the issuance of grants including but not limited to: (i) A clear demonstration of need; (ii) a commitment to serving persons who are publicly funded; (iii) a commitment to maintain the beds or facility for at least a ten-year period; and (iv) specific performance and outcome measures to ensure greatest benefit to the region. The department may only fund proposals that provide evidence that the application was developed in collaboration with one or more behavioral health organizations as defined in RCW 71.24.025 or the health care authority in the case of an application submitted from a region that has become an early adopter of integrated medical and behavioral health services pursuant to RCW 71.24.380(5). In awarding these funds, the department must prioritize an equitable distribution for facilities in both rural and urban areas with the greatest demonstrated need.

(6) Competitive grants $10,499,000
(7) Clallam county respite center. $847,000
State Building Construction Account—State . . . . . ((~~$32,000,000~~)) $44,399,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs). $0
TOTAL . . . . . ((~~$32,000,000~~)) $44,399,000

NEW SECTION. **Sec. 1008.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2017 Local and Community Projects (30000846)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is released for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) As the most trade dependent state in the nation, the legislature recognizes the significant statewide benefits to be gained from the proposed Asia Pacific cultural center. The multipurpose facility will serve as a needed cultural resource for Washington's Asian and Pacific Islander community; provide affordable housing and educational opportunities; strengthen relations with our Asia-Pacific trading partners; and deliver economic growth as a commercial and tourist destination. The legislature intends to support the development of the project through a grant to be used for project coordination and development of a sustainable financial plan, which the legislature intends as a prerequisite to consideration of any further state capital commitment.

(8) The appropriation is provided solely for the following list of projects:

Projects	Amounts
Airway Heights Recreational Complex (Airway Heights)	$200,000
Algona Community Center (Algona)	$500,000
Asia Pacific Cultural Center (Ruston)	$200,000
Bellevue Boys & Girls Club (Bellevue)	$200,000
Bridgeview Education and Employment Resource Center (Vancouver)	$750,000
Central Alarm System (Cook)	$1,000
Chehalis Boys & Girls Club New Facility (Chehalis)	$200,000

Chelatchie Prairie RR Museum & Building Entrance (Yacolt)	$200,000
Chelatchie Prairie RR Museum & Building Maintenance (Yacolt)	$300,000
Coastal Resiliency Project (Ocean Shores)	$200,000
DuPont Historical Museum Renovation (DuPont)	$21,000
Edmonds Veterans Plaza (Edmonds)	$77,000
Ellensburg Train Station (Ellensburg)	$400,000
Evergreen Pool Improvements (White Center)	$90,000
Fort Steilacoom Park (pave and stripe parking lot) (Lakewood)	$257,000
Goldendale Senior Center (Goldendale)	$155,000
Grays Harbor Gateway Center (Aberdeen)	$550,000
Historic Fox Theatre Restoration (Centralia)	$250,000
Historic Ship Preservation Project (Bremerton)	$300,000
Holocaust Center for Humanity (Seattle)	$200,000
Kingston Green Community Village (Kingston)	$85,000
Kitsap Peninsula Water Trails (Multiple, along peninsula)	$52,000
Lake Stevens Civic Center (Lake Stevens)	$309,000
Lyle Activity Center Restoration (Lyle)	$270,000
Mason County Veterans Shelter / Housing (Shelton)	$206,000
Meals on Wheels Kitchen and Café Equipment (Richland)	$206,000
Mental Health Housing, First and Denny (Seattle)	$500,000
Mill Creek Parks and Public Works Shop (Mill Creek)	$257,000
Mother Joseph Academy Roof Replacement (Vancouver)	$1,000,000
Parkland Prairie Nature Preserve (Parkland)	$30,000
Pasco Early Learning Center (Pasco)	$300,000

Pepin Creek Realignment (Lynden)	$400,000
Performing Arts & Event Center (Federal Way)	$52,000
Port of Sunnyside Demolish Carnation Building (Sunnyside)	$100,000
RAC-Covered Bleachers Project (Lacey)	$26,000
Riverwalk Trail Phase VI (Puyallup)	$500,000
Scott Hill Park of Woodland (Woodland)	$500,000
Shelter and Navigation Center (Seattle)	$600,000
Skagit County Children's Advocacy Center (Mount Vernon)	$318,000
Skyline Community Meeting Space (White Salmon)	$172,000
South Kitsap High School NJROTC (Port Orchard)	$30,000
SR 542 Kendall, Columbia Valley Trail (Kendall)	$77,000
Tenino Depot Museum Roof (Tenino)	$22,000
Wesley Homes (Des Moines)	$100,000
Westport Marina Dredging (Westport)	$200,000
Total	$11,363,000

State Building Construction Account—State $11,363,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $11,363,000

NEW SECTION. **Sec. 1009.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Disaster Emergency Response (92000377)

The appropriation in this section is subject to the following conditions and limitations:

(1) $209,000 of the appropriation is provided solely for a grant to Chelan county for its emergency operations center.

(2) $500,000 of the appropriation is provided solely for a grant to the city of Twisp for its city hall/emergency response.

(3) $1,100,000 of the appropriation is provided solely for a grant to the city of Pateros for its water reservoir project.

State Building Construction Account—State $1,809,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,809,000

NEW SECTION. **Sec. 1010.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Rapid Housing Improvement Program (30000863)

The appropriation in this section is subject to the following conditions and limitations:

(1) $100,000 of the appropriation is provided solely for a study of available housing opportunities for veterans experiencing homelessness and the conversion of units to provide permanent supportive housing for geriatric veterans with psychiatric disorders. The study must also, in collaboration with the department of veterans affairs, evaluate the feasibility of converting building 10 at the state veterans home at Retsil into housing for veterans.

(2) $125,000 of the appropriation is provided solely for landlord mitigation for the cost of damages that may be caused to private market units renting to housing choice voucher holders. In order to be eligible for assistance, a landlord must obtain a judgment against a tenant from the county in which the property is located. Participation is restricted to units within jurisdictions that prohibit denying tenancy based solely on the applicant's source of income. Reimbursement is allowed only for amounts related to property damage, unpaid rent, and other damages caused as a result of the voucher-holder tenant's occupancy. Damages must exceed normal wear and tear on the property and be in excess of $500 but not more than $5,000 per tenancy. A claim must be submitted within one year of obtaining a judgment against a tenant.

Washington Housing Trust Account—State $225,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $225,000

NEW SECTION. **Sec. 1011.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Saint Edward Feasibility Study (91000850)

State Building Construction Account—State $50,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $50,000

Sec. 1012. 2015 3rd sp.s. c 3 s 1040 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Local and Community Projects 2016 (92000369)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the

legislature. This requirement does not apply to projects where a share of the appropriation is released for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) $2,209,000 of the appropriation in this section is provided solely for the Fairchild air force base protection and community empowerment project, including the purchase of twenty acres of land by Spokane county or the city of Airway Heights for development of affordable housing and the ((~~county's~~)) purchase of mobile home parks by Spokane county or the city of Airway Heights in order to reduce the use of the accident potential zone for residential purposes. There shall be no limitations on the sequence of the purchase of mobile home parks. If ((~~the county~~)) Spokane county or the city of Airway Heights subsequently rezones, develops, and leases the mobile home park property for commercial or industrial uses contrary to the allowed uses in the accident potential zone, ((~~the county~~)) Spokane county or the city of Airway Heights must repay to the state the amount spent on the purchase of mobile home parks in its entirety within ten years. Mobile home parks purchased under the provisions of this subsection may be sold by Spokane county or the city of Airway Heights, provided that the uses of the mobile home park property are not contrary to the allowed uses in the accident potential zone. Any moneys from this sale must be used to purchase other mobile home parks in the Fairchild air force base protection and community empowerment project. The twenty acres of land purchased under this subsection for development as affordable housing may be sold, in whole or in part, by the recipient, provided the property sold is used for affordable housing as required in the Fairchild air force base protection and community empowerment project. Recipients of funds provided under this subsection are not required to demonstrate that the project site is under their control for a minimum of ten years but they must demonstrate that the project site is under their control through ownership or long-term lease. Projects funded under this subsection are not required to meet the provisions of RCW 43.63A.125(6) and subsection (5) of this section.

(8) $850,000 of the appropriation in this section is provided solely for the White River restoration project. Design solutions for flooding reductions in the lower White River must include a floodplain habitat design that both reduces

flood risks and restores salmon habitat by reconnecting the river with its floodplain and a sustainable riparian corridor. Project designs and plans must also identify lands for acquisition needed for floodplain reconnection where pending or existing development eliminates the potential for riparian and aquatic habitat restoration. The city shall work cooperatively with the Muckleshoot Indian Tribe and the Puyallup Tribe of Indians, and develop a plan collaboratively to achieve both flood reduction and habitat restoration.

(9) Up to $150,000 of the appropriation in this section for the veterans helping veterans: Emergency transition shelter project may be spent on preconstruction or preacquisition activities, including, but not limited to, building inspections, design of necessary renovations, cost estimation, and other activities necessary to identify and select a facility appropriate for the program. The remainder of the appropriation must be used for eventual acquisition and renovations of a facility.

(10) $2,500,000 of the appropriation in this section is provided solely for the mercy housing and health care center at Sand Point. During the 2015-2017 fiscal biennium, the center may not house any community health care training organization that has been investigated by and has paid settlement fees to the attorney general's office for alleged medicaid fraud.

(11) The Lake Chelan land use plan must be developed without adverse impacts on agricultural operations.

(12) $1,300,000 of the appropriation in this section is provided solely for phase one of the main street revitalization project in the city of Mountlake Terrace.

(13) $300,000 of the appropriation in this section is provided solely for the city of Stanwood to acquire property for a new city hall/public safety facility.

(14) Up to 30 percent of the funding for the Kennewick boys and girls club may be used for land acquisition.

(15) The appropriation is provided solely for the following list of projects:

Projects	Amounts
Algona senior center	$500,000
All-accessible destination playground	$750,000
Appleway trail	$1,000,000
Basin 3 sewer rehabilitation	$1,500,000
Bellevue downtown park inspiration playground and sensory garden	$1,000,000
Bender fields parking lot and restrooms	$1,000,000
Blackhills community soccer complex safety projects	$750,000
Bremerton children's dental clinic	$396,000
Brewster reservoir replacement	$1,250,000
Brookville gardens	$1,200,000
Camas-Washougal Babe Ruth youth baseball improve Louis Bloch park	$10,000

Cancer immunotherapy facility-Seattle children's research inst.	$7,000,000
Caribou trail apartments	$100,000
Carnegie library imprv for the rapid recidivism reduction program	$1,000,000
Cavelero park - regional park facility/skateboard park	$500,000
CDM caregiving services: Clark county aging resource center	$1,200,000
Centerville school heating upgrades	$46,000
Chambers Creek regional park pier extension and moorage	$1,750,000
City of LaCenter parks & rec community center	$1,500,000
City of Lynden pipeline	$2,000,000
City of Lynden-Riverview road construction	$850,000
City of Lynden-safe ((~~rtes~~)) routes to school and Kaemingk trail gap elim.	$300,000
City of Mt. Vernon downtown flood protect project & riverfront trail	$1,500,000
City of Olympia - Percival Landing renovation	$950,000
City of Pateros water system	$1,838,000
City of Stanwood ((~~police station/city hall relocation~~)) City hall/public safety facility property acquisition	$300,000
Classroom door barricade - nightlock	$45,000
Confluence area parks upgrade and restoration	$1,000,000
Corbin senior center elevator	$300,000
Covington community park	$5,000,000
Cross Kirkland corridor trail connection 52nd St.	$1,069,000
Dawson place child advocacy center building completion project	$161,000
Dekalb street pier	$500,000
DNR/City of Castle Rock exchange	$80,000
Dr. Sun Yat Sen memorial statue	$10,000

Drug abuse and prevention center - Castle Rock	$96,000
DuPont historical museum renovation	$46,000
East Tacoma community center	$1,000,000
Edmonds center for the arts: Gym climate control & roof repairs	$250,000
Edmonds senior & community center	$1,250,000
Emergency generator for kidney resource center	$226,000
Enumclaw expo center	$350,000
Fairchild air force base protection & comm empowerment project	$2,209,000
Federal Way PAC center	$2,000,000
Filipino community of Seattle village (innovative learning center)	$1,200,000
Franklin Pierce early learning center	$2,000,000
Gateway center project	$1,000,000
Gilda club repairs	$800,000
Granite Falls boys & girls club	$1,000,000
Gratzer park ball fields	$200,000
Grays Harbor navigation improvement project	$2,500,000
Green river gorge open space buffer, Kummer connection	$750,000
Guy Cole center revitalization	$450,000
Historic renovation Maryhill museum	$1,000,000
Hopelink at Ronald commons	$750,000
Irvine slough storm water separation	$500,000
Kahlotus highway sewer force main	$2,625,000
Kennewick boys and girls club	$500,000
Kent east hill YMCA	$500,000
Key Pen civics center	$50,000
KiBe high school parking	$125,000
Kitsap humane society - shelter renovation	$90,000
Lacey boys & girls club	$29,000
Lake Chelan land use plan	$75,000
LeMay car museum ADA access improvements	$500,000

Lyman city park renovation	$167,000
Lyon creek flood reduction project	$400,000
Marine terminal rail investments	$1,000,000
Martin Luther King Jr. family outreach center expansion project	$85,000
Mason county Belfair wastewater system rate relief	$1,500,000
McAllister museum	$660,000
Mercer arena energy savings & sustainability funding	$450,000
Mercy housing and health center at Sand Point	$2,500,000
Meridian center for health	$2,500,000
Minor Road water reservoir replacement	$1,500,000
Mountains to Sound Greenway Tiger Mountain access improvements	$300,000
Mountlake Terrace Main street revitalization project	$1,300,000
Mt. Spokane guest services building & preservation/maintenance of existing facilities	$520,000
((~~Mukilteo~~)) Boys & girls club of Snohomish county (Brewster, Sultan, Granite Falls, Arlington, and Mukilteo)	$1,000,000
Mukilteo tank farm clean-up	$250,000
New Shoreline medical-dental clinic	$1,500,000
Nordic heritage museum	$2,000,000
North Kitsap fishline foodbank	$625,000
Northwest native canoe center project	$250,000
Oak Harbor clean water facility	$2,500,000
Okanogan emergency communications	$400,000
Onalaska community tennis and sports courts	$80,000
Opera house ADA elevator	$357,000
Orcas Island library expansion	$1,400,000
Pacific community center	$250,000
PCAF's building for the future	$350,000
Pe Ell second street	$197,000
Perry technical school	$1,000,000

Pike Place Market front project	$800,000
Police station security/hardening	$38,000
Port of Centralia - Centralia station	$500,000
Port of Sunnyside demolish the carnation building	$450,000
PROVAIL TBI residential facility	$450,000
Quincy water reuse	$1,500,000
Redmond downtown park	$3,000,000
Redondo boardwalk repairs	$1,500,000
Renovate senior center	$400,000
Rochester boys & girls club	$38,000
Rockford wastewater treatment	$1,200,000
Roslyn renaissance-NW improve company bldg renovation project	$900,000
Sammamish rowing association boathouse	$500,000
SE 240th St. watermain system improvement project	$700,000
SE Seattle financial & economic opportunity center	$1,500,000
SeaTac international marketplace & transit-oriented community	$1,250,000
Seattle theatre group	$131,000
Snohomish veterans memorial rebuild	$10,000
Snoqualmie riverfront project	$1,520,000
South 228th street inter-urban trail connector	$500,000
Splash pad/foundation: Centralia outdoor pool restoration project	$200,000
Spokane women's club	$300,000
Springbrook park neighborhood connection project	$300,000
SR 532 flood berm and bike/ped path	$85,000
St. Vincent food bank & community services construction project	$400,000
Stan & Joan cross park	$750,000
Steilacoom Sentinel Way repairs	$450,000
Stilly Valley youth project Arlington B&G club	$2,242,000
Sunset neighborhood park	$1,750,000

Support, advocacy & resource center for victims of violence	$750,000
The gathering house job training café	$14,000
The Salvation Army Clark County: Corps community center	$1,200,000
Thurston county food bank	$500,000
Tulalip water pipeline, (final of 8 segments)	$2,000,000
Twin Bridges museum rehab Lyle Wa	$64,000
Twisp civic building	$500,000
Vancouver, Columbia waterfront project	$2,500,000
Vantage point senior apartments	$2,000,000
Veterans center	$500,000
Veterans helping veterans: Emergency transition shelter	$600,000
Waitsburg Main Street bridge replacement	$1,700,000
Washington green schools	$105,000
Washougal roof repair	$350,000
Water meter and system improvement program	$500,000
Water reservoir and transmission main	$500,000
Wayne golf course land preservation	$500,000
White River restoration project	$850,000
Willapa behavioral health safety improvement project	$75,000
WSU LID frontage - local and economic benefits	$500,000
Yakima children's museum center	$50,000
Yakima SunDome	$2,000,000
Yelm community center	$500,000
Yelm senior center	$80,000
Youth wellness campus gymnasium renovation	$1,000,000
Total	$130,169,000

State Building Construction Account—State $130,169,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $130,169,000

NEW SECTION. **Sec. 1013.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Joint Base Lewis McChord North Clear Zone Base Realignment and Closure Preparation (92000383)

State Building Construction Account—State $50,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $50,000

Sec. 1014. 2015 3rd sp.s. c 3 s 1076 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Oversight of State Facilities (30000046)

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management, with assistance from the department of enterprise services and other state agencies as needed, shall conduct space studies and make recommendations to the legislature on the state's space standards including alternative workplace strategies. State agencies shall provide space use data in a format prescribed by the office of financial management to support this effort. The office of financial management shall report the results and recommendations to the legislative fiscal committees by July 1, 2016.

(2) The office of financial management, with assistance from the department of enterprise services and other state agencies as needed, shall update the lease space requirements to reflect high performance building standards and any other components that may improve the conditions of leased space.

State Building Construction Account—State . . . . . ((~~$1,040,000~~)) $1,182,000
Thurston County Capital Facilities Account—State $1,120,000
Subtotal Appropriation . . . . . ((~~$2,160,000~~)) $2,302,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL . . . . . ((~~$2,160,000~~)) $2,302,000

Sec. 1015. 2015 3rd sp.s. c 3 s 1077 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Construction Contingency Pool (90000300)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for construction projects that confront emergent and unavoidable costs in excess of the construction contingency included in the project appropriation. For requests occurring during a legislative session, an agency must notify the legislative

fiscal committees before requesting contingency funds from the office of financial management. Eligible agencies that may apply to the pool include higher education institutions, the department of corrections, the department of social and health services, the department of enterprise services, ((~~the criminal justice training commission,~~)) the department of veterans affairs, the parks and recreation commission, and the department of fish and wildlife. Eligible construction projects are only projects that had cost reductions as kept on file with the office of financial management. The office of financial management must notify the legislative evaluation and accountability program committee, the house capital budget committee, and senate ways and means committee as projects are approved for funding.

(2)(a) The legislature intends to use the 1063 Block building development project as a model of efficient space and energy use for both owned and leased state office buildings.

(b) To achieve this intent, the office of financial management must reconsider tenants for the building, including consideration of the utilities and transportation commission, all current tenants of the general administration building with operations compatible with a high density office building, and other possible tenants. The measure of achieving a higher space efficiency is measured by the average square feet per housed employee.

(c) The office of financial management must provide a report to the appropriate committees of the legislature on the redesign and the increase space efficiency by October 15, 2015.

State Building Construction Account—State $8,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $8,000,000

Sec. 1016. 2015 3rd sp.s. c 3 s 1078 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Emergency Repairs (90000301)

The appropriation in this section is subject to the following conditions and limitations: Emergency repair funding is provided solely to address unexpected building or grounds failures that will impact public health and safety and the day-to-day operations of the facility. To be eligible for funds from the emergency repair pool, an emergency declaration signed by the affected agency director must be submitted to the office of financial management and the appropriate legislative fiscal committees. The emergency declaration must include a description of the health and safety hazard, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of other funding that may be applied to the project. For emergencies occurring during a legislative session, an agency must notify the legislative fiscal committees before requesting emergency funds from the office of financial management. The office of financial management must notify the legislative evaluation and accountability program committee, the house capital budget committee, and senate ways and means committee as emergency projects are approved for funding.

State Building Construction Account—State . . . . . .((~~$5,000,000~~))

$7,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL . . . . . ((~~$5,000,000~~))
$7,000,000

Sec. 1017. 2015 3rd sp.s. c 3 s 1079 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Emergency Repair Pool for K-12 Public Schools (90000302)

The appropriation in this section is subject to the following conditions and limitations:

(1) $1,000,000 of the state building construction account—state appropriation is provided solely for minor works repairs at west sound skill center.

(2) $103,000 of the state building construction account—state appropriation is provided solely for the Oakesdale school boiler.

(3) $113,000 of the state building construction account—state appropriation is provided solely for the Oakesdale school roof.

((~~Emergency repair funding~~)) (4) The remaining portion of the appropriation is provided solely for emergency repairs to address unexpected and imminent health and safety hazards at K-12 public schools, including skill centers, that will impact the day-to-day operations of the school facility. To be eligible for funds from the emergency repair pool, an emergency declaration must be signed by the school district board of directors and the superintendent of public instruction, and submitted to the office of financial management for consideration. The emergency declaration must include a description of the imminent health and safety hazard, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of local funding to be applied to the project. Grants of emergency repair moneys must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable. The office of financial management must notify the legislative evaluation and accountability program committee, the house capital budget committee, and the senate ways and means committee as emergency projects are approved for funding.

Common School Construction Account—State $5,000,000
State Building Construction Account—State $1,216,000
Subtotal Appropriation $6,216,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL . . . . . ((~~$5,000,000~~))
$6,216,000

Sec. 1018. 2015 3rd sp.s. c 3 s 1083 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Equipment Benchmarks for Capital Projects Study (92000010)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management shall submit a higher education and skill center capital project equipment cost study to the governor and the appropriate legislative fiscal committees by December 1, 2015. The study must include benchmarks for standard ranges of fixed and nonfixed equipment expenditures in different types of facilities and an examination of alternatives for financing equipment costs where the equipment has a life expectancy that is less than the length of bond financing. The alternative analysis must include a life-cycle cost analysis of the competing alternatives to determine the most cost-effective options to the state bond and general fund budget.

State Building Construction Account—State . . . . . ((~~$250,000~~)) $125,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL . . . . . ((~~$250,000~~)) $125,000

NEW SECTION. **Sec. 1019.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Cost-Effective K-3 Classrooms Assessment (30000053)

The office of financial management shall analyze cost-effective options for the procurement of high quality, sustainably built, energy efficient, and healthy classroom space to address the need for K-3 classrooms statewide. The analysis may include the potential for use of advanced sustainable materials and innovative design, production and procurement processes. The office of financial management may contract with one or more consultants to assist with the analysis.

State Building Construction Account—State $125,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $125,000

NEW SECTION. **Sec. 1020.** A new section is added to 2015 3rd sp. s. c 3 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Water Infrastructure Investment Analysis (92000016)

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature finds that population growth, climate change, and other factors are creating increasing stresses on critical water infrastructure, fisheries, and watershed health. To inform policy decisions about the scale and timing of new investments in flood risk reduction, water quality, and water supply both in-stream and out-of-stream, it is the intent of the legislature to direct an analysis of the economic implications related to water infrastructure and fisheries habitat restoration needs across the state.

(2) The appropriation in this section is provided solely for the office of financial management to contract for an analysis of the economic implications relating to water infrastructure and fisheries habitat restoration needs.

(a) The analysis must incorporate existing data and information relating to:

(i) Integrated water supply and management planning that addresses water storage for municipal and agricultural uses, in-stream or out-of-stream water supply needs, or both, as well as fisheries habitat and passage improvements;

(ii) Multiple benefit approaches that reduce the risk from floods and protect and restore naturally functioning areas; and

(iii) Low-impact development retrofits to reduce toxics and other pollutants in storm water.

(b) The analysis must consider, but not be limited to, fishing and recreation benefits of improved floodplain and riparian habitat, in-stream flows, municipal and agricultural water storage benefits, and fish passage projects.

(c) The analysis must provide a review of other state reports that examine the economic implications to water infrastructure and fisheries habitat restoration needs.

(d) The analysis must address, but not be limited to:

(i) A 20 year forecast of known need for investment for the three categories identified in (a) of this subsection;

(ii) Estimated effects on the Washington economy without new infrastructure investment, including impacts on households, business, and commerce caused by flooding, drought, and degraded water quality from storm water runoff; and

(iii) Estimated economic benefits, including jobs, commerce, and development associated with each billion dollars invested in the categories in (a) of this subsection.

(3) The consultant shall invite representatives of interest groups to provide input in conducting the analysis. The interest groups must include, but are not be limited to, the Washington business roundtable, the Washington state labor council, and the Washington environmental council. The consultant must report its findings to the house of representatives capital budget committee and the senate ways and means committee by January 15, 2017.

State Building Construction Account—State $250,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $250,000

NEW SECTION. **Sec. 1021.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Cross Laminated Timber Pilot Project (92000015)

(1) $75,000 of the appropriation is provided solely for a grant to the Washington State University college of engineering and architecture, to prepare a review and summary of available engineering test results and other evidence demonstrating the performance of cross laminated timber (CLT) and other regionally sourced sustainable or renewable materials in building construction. The review must emphasize results and evidence that are relevant to the consideration of building code amendments that allow for greater use of CLT in construction. Administrative overhead charges by Washington State University may not exceed five percent of the amount provided in this subsection. The

report must be submitted to the state building code council and the appropriate committees of the legislature by December 1, 2016.

(2) $50,000 of the appropriation is provided solely for a grant to the department of commerce or an associate development organization in an area of the state with appropriate forest resources to assist prospective CLT manufacturers in evaluating the potential CLT market and determine necessary investments to manufacture CLT.

State Building Construction Account—State $125,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $125,000

NEW SECTION. **Sec. 1022.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

K-3 Modular Classrooms (91000437)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for providing modular classrooms for the purpose of supporting reduced class sizes in kindergarten through third grade to the following school districts: (a) Seattle school district; (b) Mount Vernon school district; (c) Sequim school district; (d) Wapato school district; and (e) Toppenish school district.

(2) The legislature intends the modular classrooms to be a model for classrooms to use mass timber products, which includes cross laminated timber.

(3)(a) The department of enterprise services shall develop a process for providing up to four modular classrooms to each of the school districts identified in subsection (2) of this section. The department of enterprise services shall contract with the modular suppliers for construction, delivery, and hook up at the school site.

(b) A request for qualification process must be used to select modular classroom builders. The department of enterprise services shall distribute modular specifications, including standard size and amenities, to the school districts prior to the final selection of modular classroom builders. School districts may provide comments within 30 days of receiving the specifications. After comments are received, the department of enterprise services shall issue the request for qualifications that includes a standardized specification for all modulars based on size and operational requirements.

(c) The competitive process must include scoring conducted by a group of qualified experts including representatives from the school districts receiving modulars.

(d) Scoring criteria must include: Innovative use of cross laminated timber (CLT), school district requirements and operational reliability, schedule of delivery of the modular classrooms to the school, overall cost, cost per square foot, percent CLT used, regional sourcing of CLT, sustainability, operating costs, energy costs, warranty, design life, and ability to be connected either vertically or horizontally.

(e) At least two builders must be selected for the competition using a centralized contract. The number of modulars must be equal between the modular suppliers.

(4)(a) Participating school districts must have a site identified for the modular classrooms before delivery. School districts must provide furnishings.

(b) The modular classroom supplier must: Prepare the site, obtain any permits required, deliver the classrooms to the school district site, install the modular classrooms, and make utility connections.

(c) Administration fees may not exceed two and one-half percent of the contract amount.

(5) The department of enterprise services shall report to the legislature the results of the competition including cost, CLT use, and any improvements that can be made.

(6) School districts receiving modular classrooms from this section remain eligible for the K-3 class size reduction construction pilot grant program as specified in section 201, chapter 41, Laws of 2015, 3rd sp. sess.

State Building Construction Account—State $5,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $5,500,000

Sec. 1023. 2015 3rd sp.s. c 3 s 1088 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Minor Works Preservation (30000722)

The appropriations in this section are subject to the following conditions and limitations:

(1) No minor works funds may be allotted until the action part of the plan is provided. Up to $300,000 of the appropriation in this section is provided for the department to develop an implementation plan for a capitol campus parking strategy. The action part of the plan must include: ((~~(1)~~)) (a) During the legislative sessions a reduction of agency reserve stalls from twenty-six percent to fifteen percent as recommended by the 2014 state of Washington parking and transportation study; ((~~(2)~~)) (b) cost-benefit of incorporating parking attendants or parking arms to accept payment for campus parking during the legislative sessions; ((~~(3)~~)) (c) installation of at least two electronic boards, or other methods of providing the available parking capacity in the east plaza garage. The department shall work in cooperation with the city of Olympia, and the city may provide a proposal to enforce parking on the capitol campus. The department shall report to all fiscal committees on its progress by November 1, 2015.

(2) $60,000 of the Thurston county capital facilities account—state appropriation is provided solely for minor works repair at the 120 Union Avenue building and is contingent upon the building remaining open subject to the following conditions: (a) The department shall: (i) Apply the current capital projects surcharge to the operating rents; (ii) increase the tenant rental rate by $1 per square foot per year above the current rate; (iii) add a clause to the tenant contracts that the lease shall be terminated should a major building system failure occur. A major building system includes failure of the roof, heating, and electrical systems; (iv) add a clause to the tenant contracts that the lease may be

terminated if the occupancy of the building falls below 30 percent; and (v) actively promote rental of vacant space in the building; and (b) the department may close the building once the legislature has approved construction funding for a project at the site.

Thurston County Capital Facilities Account—State . . . . . ((~~$850,000~~)) $1,910,000

State Building Construction Account—State . . . . . ((~~$5,608,000~~)) $4,608,000

State Vehicle Parking Account—State $900,000

Subtotal Appropriation . . . . . ((~~$7,358,000~~)) $7,418,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $19,000,000

TOTAL . . . . . ((~~$26,358,000~~)) $26,418,000

Sec. 1024. 2015 3rd sp.s. c 3 s 1095 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Capitol Lake Long-term Management Planning (30000740)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to make tangible progress on reaching broad agreement on a long-term plan for the management of Capitol Lake/Deschutes Estuary/Lower Budd Inlet/Deschutes River watershed, building on the recommendations of the 2014 situation assessment for Capitol Lake management prepared by the Ruckleshaus center and prior related reports.

The department shall:

(a) Identify and summarize the findings of the best available science concerning water quality and habitat as they relate to conceptual options of retaining or removing the dam;

(b) Identify multiple hybrid options for future management of Capitol Lake, which options must include substantial improvement in fish and wildlife habitat and ecosystem functions, maintaining a historic reflecting pool at the north end of the lake/estuary, and adaptive management strategies;

(c) Identify general cost estimates for construction and maintenance of each conceptual option, in consultation with the office of financial management;

(d) Identify the range of public support for or concerns about each option;

(e) Identify conceptual options and degree of general support for shared funding by state, local, and federal governments and potentially other entities;

(f) Identify one or more conceptual options for long-term shared governance of a future management plan, including consideration of an option similar to state lake management districts, chapter 36.61 RCW or shellfish protection districts, chapter 90.72 RCW.

(g) Engage in other related activities which would contribute to reaching broad agreement on the long-term management plan.

The department shall conduct its information gathering and report preparation with a pro-active approach to public engagement, and may create such advisory entities as it determines would be helpful.

(2) The department may contract for facilitation, research, or other services to assist in the preparation of this report.

(3) The department shall make periodic reports to the state capitol committee, the office of financial management, and fiscal committees of the legislature, with a final report to be submitted no later than January 1, 2017. The reports must include visual representations of proposals to aid the public and decision-makers to understand and evaluate them.

((~~Enterprise Services Account—State~~ ..... ~~$250,000~~))
State Building Construction Account—State $250,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $250,000

NEW SECTION. **Sec. 1025.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE MILITARY DEPARTMENT

Tri Cities Readiness Center - Land (30000808)
State Building Construction Account—State $900,000
Military Department Capital Account—State $1,000,000
Subtotal Appropriation $1,900,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,900,000

NEW SECTION. **Sec. 1026.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE MILITARY DEPARTMENT

Emergency Management Division's (EMD's) UPS Replacement (30000810)
State Building Construction Account—State $500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $500,000

Sec. 1027. 2015 3rd sp.s. c 3 s 1108 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Thurston County Readiness Center (30000594)

The reappropriation and appropriations in this section are subject to the following conditions and limitations:

(1) The legislature intends to support the transfer of the Olympia armory to the Thurston county boys and girls club. The military department must execute an agreement to transfer title of the property to the Thurston county boys and girls club if the club agrees to use the facility as a boys and girls club for a minimum of ten years. The transfer agreement must specify a mutually agreed transfer date following the completion of the Thurston county readiness center. The transfer agreement must require the club to cover any closing costs and must specify a purchase price of one dollar. The agreement must be reported to the house of representatives capital budget committee, senate ways and means committee, and the governor's office by January 1, 2016.

(2) The legislature intends to support the transfer of the Puyallup armory to the central Pierce fire and rescue (Pierce county fire protection district No. 6).

By January 1, 2017, the military department must execute a memorandum of understanding to transfer title of the property to the central Pierce fire and rescue if the district agrees to use the facility as a fire and rescue station for a minimum of ten years. The memorandum must provide central Pierce fire and rescue with a right of first refusal and specify a mutually agreed transfer date following the vacation of the Puyallup armory. The memorandum must require the central Pierce fire and rescue to cover any closing costs and must specify a purchase price equal to fair market value for the raw land only. The memorandum must be reported to the house of representatives capital budget committee, the senate ways and means committee, and the governor's office by January 1, 2017.

State Building Construction Account—State $2,750,000
State Building Construction Account—State . . . . . ((~~$7,883,000~~))
$635,000
General Fund—Federal . . . . . ((~~$34,207,000~~))
$1,800,000
Subtotal Appropriation . . . . . ((~~$42,090,000~~))
$2,435,000
Prior Biennia (Expenditures) $50,000
Future Biennia (Projected Costs) . . . . . ((~~$0~~))
$40,161,000
TOTAL . . . . . ((~~$44,890,000~~))
$45,396,000

Sec. 1028. 2015 3rd sp.s. c 3 s 1114 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

National Parks Service Maritime Heritage Grants (91000008)

The appropriation in this section is subject to the following conditions and limitations:

(1) $28,000 of the appropriation is provided solely for the center for wooden boats' historic small craft project.

(2) $87,000 of the appropriation is provided solely for the Northwest seaport's preservation of the national historic landmark 1889 tugboat Arthur Foss.

General Fund—Federal . . . . . ((~~$105,000~~))
$115,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL . . . . . ((~~$105,000~~))
$115,000

PART 2
HUMAN SERVICES

Sec. 2001. 2015 3rd sp.s. c 3 s 2004 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Preservation Projects: Statewide (91000037)

((~~The appropriation in this section is subject to the following conditions and limitations: Up to $950,000 may be used for necessary renovations at the Maple Lane facility for the purpose of temporary forensic beds.~~))

State Building Construction Account—State . . . . . ((~~$10,645,000~~)) $16,850,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL . . . . . ((~~$10,645,000~~)) $16,850,000

NEW SECTION. **Sec. 2002.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Competency Restoration (91000040)

State Building Construction Account—State $950,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL $950,000

Sec. 2003. 2015 3rd sp.s. c 3 s 2016 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

((~~Western State Hospital - East Campus~~)) Eastern State Hospital: Psychiatric Intensive Care Unit (30002773)

State Building Construction Account—State . . . . . ((~~$2,200,000~~)) $1,250,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL . . . . . ((~~$2,200,000~~)) $1,250,000

Sec. 2004. 2015 3rd sp.s. c 3 s 2023 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

ESH-15 Bed Addition for Substitute Senate Bill No. 5889 (92000016)

State Building Construction Account—State . . . . . ((~~$1,400,000~~)) $1,800,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL . . . . . ((~~$1,400,000~~)) $1,800,000

NEW SECTION. **Sec. 2005.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center: CLIP Capacity (30003324)

State Building Construction Account—State $450,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $6,150,000

TOTAL $6,600,000

NEW SECTION. **Sec. 2006.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital - Eastlake: Emergency Generator Replacement (30003326)

State Building Construction Account—State $1,300,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,300,000

NEW SECTION. **Sec. 2007.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Lakeland Village: Code Required Campus Infrastructure Upgrades (30002238)

State Building Construction Account—State $1,200,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,200,000

NEW SECTION. **Sec. 2008.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Program Projects: Western State Hospital (30003388)

State Building Construction Account—State $1,950,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $1,950,000

NEW SECTION. **Sec. 2009.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane-Cascade: Remodel for Forensic Services (91000039)

State Building Construction Account—State $2,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $2,000,000

NEW SECTION. **Sec. 2010.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen-Housing Unit: Acute Mental Health Unit (30002736)

State Building Construction Account—State $450,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $5,000,000
TOTAL $5,450,000

NEW SECTION. **Sec. 2011.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: New Civil Ward (92000022)

State Building Construction Account—State $450,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $450,000

Sec. 2012. 2015 3rd sp.s. c 3 s 2029 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Drinking Water Preconstruction Loans (30000334)

Drinking Water Assistance ((~~Repayment~~)) Account—

State $6,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $24,000,000

TOTAL $30,000,000

Sec. 2013. 2015 3rd sp.s. c 3 s 2035 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works Facilities Preservation (30000174)

The appropriation in this section is subject to the following conditions and limitations: $250,000 of the appropriation in this section is provided solely for the restoration and preservation of the Washington soldiers home cemetery.

State Building Construction Account—State . . . . . ((~~$3,095,000~~)) $3,345,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $9,690,000

TOTAL . . . . . ((~~$12,785,000~~)) $13,035,000

PART 3
NATURAL RESOURCES

Sec. 3001. 2015 3rd sp.s. c 3 s 3010 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (20084010)

The reappropriations in this section are subject to the following conditions and limitations: Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

State Building Construction Account—State $221,000

Water Quality Capital Account—State $43,000

State Toxics Control Account—State . . . . . ((~~$570,000~~)) $1,000

Subtotal Reappropriation . . . . . ((~~$834,000~~)) $265,000

Prior Biennia (Expenditures) $66,036,000

Future Biennia (Projected Costs) . . . . . ((~~$0~~)) $569,000

TOTAL $66,870,000

Sec. 3002. 2015 3rd sp.s. c 3 s 3020 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (30000144)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are subject to the provisions of section 3021, chapter 48, Laws of 2011 1st sp. sess.

(2) Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Cleanup Settlement Account—State $1,959,000
State Toxics Control Account—State . . . . . ((~~$3,666,000~~))
$1,502,000
Subtotal Reappropriation . . . . . ((~~$5,625,000~~))
$3,461,000
Prior Biennia (Expenditures) $35,573,000
Future Biennia (Projected Costs) . . . . . ((~~$0~~))
$2,164,000
TOTAL $41,198,000

Sec. 3003. 2015 3rd sp.s. c 3 s 3022 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (30000208)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 3024, chapter 48, Laws of 2011 1st sp. sess.

(2) Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

State Toxics Control Account—State . . . . . ((~~$12,341,000~~))
$11,511,000
Prior Biennia (Expenditures) $21,759,000
Future Biennia (Projected Costs) . . . . . ((~~$0~~))
$830,000
TOTAL $34,100,000

Sec. 3004. 2015 3rd sp.s. c 3 s 3026 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Eastern Washington Clean Sites Initiative (30000217)

The reappropriation in this section is subject to the following conditions and limitations: Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

State Toxics Control Account—State . . . . . ((~~$2,117,000~~))
$751,000
Prior Biennia (Expenditures) $3,883,000
Future Biennia (Projected Costs) . . . . . ((~~$0~~))
$1,366,000
TOTAL $6,000,000

Sec. 3005. 2015 3rd sp.s. c 3 s 3028 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (30000265)

The reappropriation in this section is subject to the following conditions and limitations: Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

State Toxics Control Account—State . . . . . ((~~$1,896,000~~)) $698,000

Prior Biennia (Expenditures) $14,504,000

Future Biennia (Projected Costs) . . . . . ((~~$0~~)) $1,198,000

TOTAL $16,400,000

Sec. 3006. 2015 3rd sp.s. c 3 s 3033 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Statewide Storm Water Projects (30000294)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 3041, chapter 4, Laws of 2011 1st sp. sess.

(2) Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Local Toxics Control Account—State . . . . . ((~~$14,411,000~~)) $12,411,000

Prior Biennia (Expenditures) $15,589,000

Future Biennia (Projected Costs) . . . . . ((~~$0~~)) $2,000,000

TOTAL $30,000,000

Sec. 3007. 2015 3rd sp.s. c 3 s 3046 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (30000337)

The reappropriation in this section is subject to the following conditions and limitations: Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Environmental Legacy Stewardship Account—State . . . . . ((~~$19,100,000~~)) $12,655,000

Prior Biennia (Expenditures) $12,400,000

Future Biennia (Projected Costs) . . . . . ((~~$0~~)) $6,445,000

TOTAL $31,500,000

Sec. 3008. 2015 3rd sp.s. c 3 s 3047 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Eastern Washington Clean Sites Initiative (30000351)

The reappropriation in this section is subject to the following conditions and limitations: Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Environmental Legacy Stewardship Account—State . . . . . .((~~$6,735,000~~)) $4,035,000

Prior Biennia (Expenditures) $3,565,000

Future Biennia (Projected Costs) . . . . . .((~~$0~~)) $2,700,000

TOTAL $10,300,000

Sec. 3009. 2015 3rd sp.s. c 3 s 3054 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (30000427)

The appropriations in this section are subject to the following conditions and limitations:

(1) For projects involving repair, replacement, or improvement of a wastewater treatment plant or other public works facility for which an investment grade efficiency audit is obtainable, the department of ecology must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its centennial clean water program grant.

(2) The agency must encourage local government use of federally funded water pollution control infrastructure programs operated by the United States department of agriculture - rural development.

State Building Construction Account—State . . . . . .((~~$10,000,000~~)) $12,500,000

Local Toxics Control Account—State $10,000,000

Subtotal Appropriation . . . . . .((~~$20,000,000~~)) $22,500,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $160,000,000

TOTAL . . . . . .((~~$180,000,000~~)) $182,500,000

Sec. 3010. 2015 3rd sp.s. c 3 s 3056 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Reducing Toxic Woodstove Emissions (30000429)

The appropriations in this section are subject to the following conditions and limitations: $1,350,000 of the state building construction account—state appropriation is provided solely for the department of ecology to extend support for the wood stove removal and replacement program in Pierce county, operated

by the Puget Sound clean air agency under the federally approved maintenance plan for fine particle pollution.

State Toxics Control Account—State $2,000,000
State Building Construction Account—State $1,500,000
Subtotal Appropriation $3,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $8,000,000
TOTAL . . . . . ((~~$10,000,000~~))
$11,500,000

Sec. 3011. 2015 3rd sp.s. c 3 s 3059 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grants (30000458)

The appropriation in this section is subject to the following conditions and limitations: Projects subject to the original appropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Local Toxics Control Account—State . . . . . ((~~$65,050,000~~))
$60,050,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) . . . . . ((~~$300,000,000~~))
$305,000,000
TOTAL $365,050,000

Sec. 3012. 2015 3rd sp.s. c 3 s 3062 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Storm Water Financial Assistance Program (30000535)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for the storm water financial assistance program.

(2) $981,000 of the appropriation is provided solely for the Washington State University LID frontage - water quality project.

(3) Projects subject to the original appropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Local Toxics Control Account—State . . . . . ((~~$33,000,000~~))
$31,200,000
((~~State Building Construction Account—State . . . . . $20,000,000~~))
Subtotal Appropriation . . . . . ((~~$53,000,000~~))
$31,200,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $280,000,000
TOTAL . . . . . ((~~$333,000,000~~))
$311,200,000

Sec. 3013. 2015 3rd sp.s. c 3 s 3066 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY
Cleanup Toxics Sites - Puget Sound (30000542)

The appropriation in this section is subject to the following conditions and limitations: Projects subject to the original appropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

State Toxics Control Account—State . . . . . ((~~$22,550,000~~)) $18,550,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) . . . . . ((~~$72,763,000~~)) $76,763,000
TOTAL $95,313,000

Sec. 3014. 2015 3rd sp.s. c 3 s 3074 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY
FY 2012 Statewide Stormwater Grant Program (91000053)

The reappropriation in this section is subject to the following conditions and limitations: Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Local Toxics Control Account—State . . . . . ((~~$14,789,000~~)) $12,789,000
Prior Biennia (Expenditures) $9,284,000
Future Biennia (Projected Costs) . . . . . ((~~$0~~)) $2,000,000
TOTAL $24,073,000

Sec. 3015. 2015 3rd sp.s. c 3 s 3075 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY
Stormwater Retrofit and LID Competitive Grants (91000054)

The reappropriation in this section is subject to the following conditions and limitations: Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Local Toxics Control Account—State . . . . . ((~~$6,952,000~~)) $5,652,000
Prior Biennia (Expenditures) $7,511,000
Future Biennia (Projected Costs) . . . . . ((~~$0~~)) $1,300,000
TOTAL $14,463,000

Sec. 3016. 2015 3rd sp.s. c 3 s 3081 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY
Storm Water Improvements (92000076)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 3081, chapter 19, Laws of 2013 2nd sp. sess.

(2) Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

State Building Construction Account—State $20,000,000
Environmental Legacy Stewardship Account—State . . . . . ((~~$91,456,000~~))
$68,456,000
Prior Biennia (Expenditures) $8,544,000
Future Biennia (Projected Costs) . . . . . ((~~$0~~))
$23,000,000
TOTAL . . . . . ((~~$100,000,000~~))
$120,000,000

Sec. 3017. 2015 3rd sp.s. c 3 s 3084 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Drought Response (92000142)
((~~State Building Construction Account—State . . . . . $2,000,000~~))
State Drought Preparedness Account—State. . . . . ((~~$14,000,000~~))
$6,723,000
((~~Subtotal Appropriation. . . . . $16,000,000~~))
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL . . . . . ((~~$16,000,000~~))
$6,723,000

NEW SECTION. **Sec. 3018.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Low Interest Loans for Drought Wells (92000148)

The appropriation in this section is subject to the following conditions and limitations: The department shall establish a low-interest loan program to allow agricultural or public entities to drill or retrofit wells to mitigate the effects of drought. For loans that are repaid within five years, the interest rate must be thirty percent of the average rate for twenty year municipal bonds as published in the bond buyer index, and for loans that are repaid between five and twenty years, the rate must be sixty percent of the average rate for twenty year municipal bonds as published in the bond buyer index. A well that is funded by this program may be operated only during a drought declaration.

State Building Construction Account—State $4,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $4,000,000

NEW SECTION. **Sec. 3019.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Port of Tacoma Arkema/Dunlap Mound (92000158)
State Building Construction Account—State $2,900,000
Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs). $0
TOTAL $2,900,000

NEW SECTION. **Sec. 3020.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Treatment Plant (Lakewood) (92000156)
State Building Construction Account—State $1,500,000
Prior Biennia (Expenditures). $0
Future Biennia (Projected Costs). $0
TOTAL $1,500,000

NEW SECTION. **Sec. 3021.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Port Angeles Municipal Landfill (92000155)
State Building Construction Account—State $2,200,000
Prior Biennia (Expenditures). $0
Future Biennia (Projected Costs). $0
TOTAL $2,200,000

NEW SECTION. **Sec. 3022.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE POLLUTION LIABILITY INSURANCE AGENCY

Underground Storage Tank Capital Financial Assistance Program (30000002)
Underground Storage Tank Revolving Account—State $10,000,000
Prior Biennia (Expenditures). $0
Future Biennia (Projected Costs). $80,000,000
TOTAL $90,000,000

Sec. 3023. 2015 3rd sp.s. c 3 s 3109 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Local Grant Authority (30000857)
Parks Renewal and Stewardship Account—
Private/Local . . . . . ((~~$1,000,000~~))
$2,000,000
Prior Biennia (Expenditures). $1,200,000
Future Biennia (Projected Costs). $4,000,000
TOTAL . . . . . ((~~$6,200,000~~))
$7,200,000

Sec. 3024. 2015 3rd sp.s. c 3 s 3165 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Boating Facilities Program (30000222)
The legislature encourages the board to consider applications for the 2017-2019 funding program that will fund the purchase and installation of capital equipment to control invasive species at or near selected boat launches serving vessels 26 feet in length or less.
Recreation Resources Account—State . . . . . ((~~$9,360,000~~))
$14,210,000

Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $37,800,000
TOTAL . . . . . ((~~$47,160,000~~))
$52,010,000

Sec. 3025. 2015 3rd sp.s. c 3 s 3166 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Nonhighway Off-Road Vehicle Activities (30000223)

The appropriation in this section is subject to the following conditions and limitations:

(1) $50,000 of the NOVA program account—state appropriation is provided solely for improvements to the trails database maintained by the recreation and conservation office.

(2) $2,450,000 of the NOVA program account—state appropriation is provided solely for purposes other than education and enforcement projects.

(3) For project funds returned for projects in the NOVA program account—state, the recreation and conservation office may apply the funds to priority projects in any categories within the NOVA program.

NOVA Program Account—State . . . . . ((~~$8,670,000~~))
$11,170,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $34,770,000
TOTAL . . . . . ((~~$43,440,000~~))
$45,940,000

Sec. 3026. 2015 3rd sp.s. c 3 s 3179 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Recreation and Conservation Office Recreation Grants (92000131)

The appropriations in this section are subject to the following conditions and limitations:

(1) The recreation and conservation office may retain up to four percent of these appropriations to administer the grants.

(2) A maximum of $1,000,000 of unused funds in this appropriation may be used for further planning, acquisition, and development of the Olympic discovery trail project between Discovery Bay and the trail's intersection with the Larry Scott trail in Jefferson county, without requiring matching resources.

(3) Matching resources are not required for the Concrete water spray park project.

State Building Construction Account—State . . . . . ((~~$32,785,000~~))
$29,170,000
Outdoor Recreation Account—State $5,611,000
Subtotal Appropriation . . . . . ((~~$38,396,000~~))
$34,781,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL . . . . . ((~~$38,396,000~~))
$34,781,000

Sec. 3027. 2015 3rd sp.s. c 3 s 3211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Mitchell Act Federal Grant (91000021)

General Fund—Federal . . . . . ((~~$1,014,000~~)) $5,014,000

Prior Biennia (Expenditures) $1,986,000

Future Biennia (Projected Costs) $0

TOTAL . . . . . ((~~$3,000,000~~)) $7,000,000

NEW SECTION. **Sec. 3028.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Puget Sound and Adjacent Waters Nearshore Restoration - Match (30000753)

General Fund—Federal $500,000

State Building Construction Account—State $500,000

Subtotal Appropriation $1,000,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $9,500,000

TOTAL $10,500,000

Sec. 3029. 2015 3rd sp.s. c 3 s 3229 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

State Forest Land Replacement (30000223)

The appropriation in this section is subject to the following conditions and limitations:

(1) $3,000,000 of the appropriation in this section is provided solely to the department to transfer from state forest land status to natural resources conservation area status certain state forest lands in Skamania county.

(2)(a) The remainder of the appropriation in this section is provided solely to the department to transfer from state forest land status to natural resources conservation area status certain state forest lands in counties:

(i) With a population of twenty-five thousand or fewer;

(ii) With risks of timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act; and

(iii) That are not identified in subsection (1) of this section.

(b) This appropriation must be used equally for the transfer of qualifying state forest lands in the qualifying counties.

(3) Property transferred under this section must be appraised and transferred at fair market value, without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act. The value of the timber and other valuable materials transferred must be distributed as provided in RCW 79.64.110. The value of the land transferred must be deposited in the park land trust revolving account and be used solely to buy replacement state forest land, consistent with RCW 79.22.060.

((~~(3)~~)) (4) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsections (1) and (2) of this section. Transfer agreements for properties identified in subsections (1) and (2) of this section must include terms that restrict the use of the property to the intended purpose.

((~~(4)~~)) (5) The department and ((~~Skamania county~~)) applicable counties shall work in good faith to carry out the intent of this section. The department shall identify eligible properties for transfer, consistent with subsections (1) and (2) of this section, in consultation with ((~~Skamania county~~)) the applicable counties, and may not execute any property transfers that are not in the statewide interest of either the state forest trust or the natural resources conservation area program.

State Building Construction Account—State .....((~~$3,000,000~~)) $6,000,000
Prior Biennia (Expenditures) $1,500,000
Future Biennia (Projected Costs) $6,000,000
TOTAL .....((~~$10,500,000~~)) $13,500,000

Sec. 3030. 2015 3rd sp.s. c 3 s 3235 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Contaminated Sites Cleanup and Settlement (30000240)

The appropriation in this section is subject to the following conditions and limitations:

(1) $261,000 is provided solely for the state's share of liability under the model toxics control act for the cleanup of lead contamination at a rock pit now owned by plum creek timber company.

(2) $95,000 is provided solely for the contaminated soils cleanup at the Cedar creek correction center.

(3) $125,000 is provided solely for the webster nursery pesticides and groundwater cleanup.

(4) $375,000 is provided solely for the underground storage tank cleanup of contaminated soils of an old fueling station at the department of natural resources, SE region headquarters' parking lot that is within the city of Ellensburg new drinking water supply wellhead protection area.

(5) $75,000 of the state building construction account—state appropriation is provided solely for the state's share of liability under the comprehensive environmental response, compensation, and liability act for the cleanup of contamination at the Salt creek firing range site in Port Angeles, Clallam County.

Environmental Legacy Stewardship Account—State $856,000
State Building Construction Account—State $75,000
Subtotal Appropriation $931,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL .....((~~$856,000~~)) $931,000

NEW SECTION. **Sec. 3031.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Fire Communications Base Stations and Mountain Top Repeaters (92000030)

State Building Construction Account—State $626,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $626,000

Sec. 3032. 2015 3rd sp.s. c 3 s 3232 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Blanchard Working Forest (30000231)

The appropriation in this section is subject to the following conditions and limitations: For the 2015-2017 fiscal biennium, the department of natural resources shall not authorize or conduct any logging operations in the one thousand, six hundred acres on Mount Blanchard, referred to as the core management zone.

State Building Construction Account—State $2,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $5,500,000
TOTAL $7,500,000

Sec. 3033. 2015 3rd sp.s. c 3 s 3184 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Match for Federal RCPP Program (30000017)

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—federal appropriation is provided solely for implementation of the ((~~five~~)) six conservation projects in Washington state approved for grant awards as part of the United States department of agriculture regional conservation partnership program authorized under the 2014 farm bill:

(a) Palouse river watershed implementation partnership;

(b) Precision conservation for salmon and water quality in the Puget Sound;

(c) Upper Columbia irrigation enhancement project;

(d) Yakama nation on-reservation lower Yakima basin restoration project; ((~~and~~))

(e) Confederated tribes of the Colville reservation water quality and habitat improvement project; and

(f) Spokane river watershed resource conservation partnership.

(2) The state building construction account—state is provided solely for state match to the United States department of agriculture regional conservation partnership program.

State Building Construction Account—State $5,000,000
General Fund—Federal $23,000,000
Subtotal Appropriation $28,000,000
Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0
TOTAL $28,000,000

PART 4
TRANSPORTATION

Sec. 4001. 2015 3rd sp.s. c 3 s 4002 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

Fire Training Academy Burn Building Replacement (30000071)
Fire Service Training Account—State . . . . . ((~~$200,000~~)) $385,000
Prior Biennia (Expenditures) . . . . . ((~~$1,300,000~~)) $1,115,000
Future Biennia (Projected Costs) $0
TOTAL $1,500,000

PART 5
EDUCATION

Sec. 5001. 2015 3rd sp.s. c 3 s 5010 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2013-15 School Construction Assistance Program - Maintenance (30000145)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5020, chapter 19, Laws of 2013 2nd sp. sess. and section 6022 ((~~of this act~~)), chapter 3, Laws of 2015 3rd sp. sess.

State Building Construction Account—State $255,339,000
State Building Construction Account—State $150,000
Prior Biennia (Expenditures) $132,250,000
Future Biennia (Projected Costs) $0
TOTAL . . . . . ((~~$387,589,000~~)) $387,739,000

Sec. 5002. 2015 3rd sp.s. c 3 s 5011 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Tri-Tech Skills Center East Growth (30000159)

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding is provided solely as a grant to constitute local funding available to the Tri-tech skills center in order to be eligible for state funding assistance through the school construction assistance program pursuant to RCW 28A.525.166.

(2) Funds provided in this section may not be used for any project with total ((~~project~~)) construction costs per square foot that exceed the construction cost allocation for calculating state funding assistance in subsection (1) by more than thirty-five percent.

State Building Construction Account—State $1,702,000
Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs). $0
TOTAL $1,702,000

Sec. 5003. 2015 3rd sp.s. c 3 s 5012 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Capital Program Administration (30000165)

The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent of public instruction shall publish to its web site and report to the office of financial management, the appropriate committees of the legislature, and the legislative evaluation and accountability program a list of local school district projects submitted for school construction assistance within seven business days of the grant program deadline. The report must be updated within seven days following the superintendent of public instruction's final grant award decisions. Prior versions of the report must be maintained on the web site in order to monitor changes in estimates as the grant process progresses. The report must include, but not be limited to:

(a) School district;

(b) Project name;

(c) Estimated square footage by proposed project type;

(d) Estimated total of all project costs and estimated total construction contract cost;

(e) Funding sources and election dates, if applicable; and

(f) Intent to front-fund the project.

(2) The superintendent of public instruction shall provide to the office of financial management and the legislative evaluation and accountability program committee in electronic database form the following:

(a) Study and survey information beginning with grants awarded July 1, 2015, or later; and

(b) All available inventory and condition of schools data.

(3) The office of the superintendent of public instruction shall contract with educational service district 112 construction services group to perform an analysis of school construction costs. The analysis must include a significant sample of new ((~~and modernization~~)) school construction projects completed over the past ten years, with costs adjusted for construction inflation. The analysis must determine the major sources of variation in total school construction costs among different kinds of projects, districts, and regions. The analysis must estimate the cost difference due to variations in:

(a) The size of the project including the size per expected enrollment;

(b) ((~~Whether it is a new school or modernization project;~~

~~(c)~~)) Whether it is an elementary school, middle school, high school, or skills center;

(((~~(d)~~))) (c) The extent of specialized higher cost facilities such as laboratories, shops, performing arts and indoor athletic facilities;

(((~~(e)~~))) (d) Delivering specialized programs at skill centers including but not limited to: Dental and medical assisting, mechanical and engineering programs, first responder training, culinary programs, cyber security, and others;

(((~~(f)~~))) (e) Site requirements;

(((~~(g)~~))) (f) Durability of construction materials, finishes, building system components, and general life expectancy of the building; and

(((~~(h)~~))) (g) Other design and construction feature that may contribute to cost variations.

(4) The office of the superintendent of public instruction must prepare a report on the findings from subsection (3) of this section and submit the report to the appropriate committees of the legislature and the office of financial management by September 1, 2016.

Common School Construction Account—State . . . . . .((~~$2,924,000~~)) $3,274,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $12,244,000

TOTAL . . . . . .((~~$15,168,000~~)) $15,518,000

Sec. 5004. 2015 3rd sp.s. c 3 s 5013 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2015-17 School Construction Assistance Program (30000169)

The appropriations in this section are subject to the following conditions and limitations:

(1) $990,000 of the common school construction account—state is provided solely for the Spokane Valley technical skills center to construct five science classrooms.

(2) $675,000 of the common school construction account—state is provided solely for study and survey grants. In calculating study and survey grants, for the 2015-2017 fiscal biennium, the office of the superintendent of public instruction shall award no more than fifty percent of the dollar amount for the minimum grants and square footage allocations. School districts receiving these grants in the 2015-2017 fiscal biennium must use data collected or validated by the Washington State University extension energy office for the inventory and condition of existing school facilities.

(3) School districts receiving funding through the 2015-17 school construction assistance program must map the design of new facilities and remap the design of facilities to be remodeled.

(4) The office of the superintendent of public instruction must weight and prioritize grant requests on the following criteria and in the following order: (a) Will provide facility capacity needs to reduce kindergarten through third grade class sizes at high poverty schools; (b) will provide facility capacity needs to reduce kindergarten through third grade class sizes in remaining schools.

(5) The office of the superintendent of public instruction must expedite allocation and distribution of any eligible funds under the school construction assistance grant program for the appropriations provided to the superintendent of public instruction in this act for distressed schools, STEM pilot projects, or skill centers. For purposes of determining state funding assistance, eligible area must be calculated as follows: (a) Eligible area for STEM pilot projects is 1,440 square feet per science lab or classroom combination, or both; and 1,040 square feet per science classroom. Total eligible area per STEM pilot project must not exceed 15,840 square feet, and total eligible area of all STEM pilot projects from

this section must not exceed 36,880 square feet; (b) eligible area for skill centers is gross square feet of the proposed project as submitted to the office of financial management as requested by the superintendent for consideration in the 2015-2017 capital budget. Eligible area for the Spokane Valley technical skills center must not exceed 5,400 square feet, and; (c) eligible area for replacement of the cafeteria at Marysville-Pilchuck high school is 13,500 square feet.

State Building Construction Account—State . . . . . ((~~$302,121,000~~)) $305,721,000
Common School Construction Account—State . . . . . ((~~$305,978,000~~)) $337,135,000
Common School Construction Account—Federal $3,000,000
Subtotal Appropriation . . . . . ((~~$611,099,000~~)) $645,856,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $3,638,150,000
TOTAL . . . . . ((~~$4,249,249,000~~)) $4,284,006,000

Sec. 5005. 2015 3rd sp.s. c 3 s 5026 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

STEM Pilot Program (91000402)

The appropriation in this section is subject to the following conditions and limitations:

(1) $200,000 of the appropriation is provided solely for the contract with the statewide STEM organization described in subsection (4) of this section.

(2) The ((~~amounts~~)) remaining portion of the appropriation in this section ((~~are~~)) is provided solely for the superintendent of public instruction to provide STEM pilot project grants to school districts. At the option of a recipient school district, these grants, or a portion of these grants, may constitute the districts' local funding for purposes of eligibility for the school construction assistance program under RCW 28A.525.166 other than for new construction or new-in-lieu of modernization construction projects of entire new schools. Subject to the terms in this section, school districts are eligible to receive grants if they have a special housing burden due to lack of sufficient space for science classrooms and labs to enable students to meet statutory graduation requirements.

((~~(2)~~)) (3) The superintendent shall award grants to eligible school districts under the following conditions:

(a) A district must demonstrate a lack of sufficient space of science classrooms and labs to facilitate meeting statutory graduation requirements;

(b) The district has secured private donations of cash, like-kind, or equipment in a value of no less than $100,000. Before the superintendent may provide funding assistance through the school construction assistance program, the district must provide verification of the donation to the superintendent;

(c) The project is either: (i) Construction of new lab or classroom additions at existing facilities; or (ii) modernization of labs or classrooms at existing facilities.

(d) At least one grant award is made to school districts located in southwest Washington that currently offer curriculum using equipment called Real-Time

PCR and a scanning electron microscope to build partnerships with academia and industry leaders to develop in-depth research projects;

(((~~(d)~~))) (e) At least one grant award is made to school districts located in the Puget Sound region; and

(((~~(e)~~))) (f) At least two grant awards are made to school districts located east of the Cascade mountains.

(((~~(3)~~))) (4) The STEM pilot project grants program must be administered by the superintendent of public instruction in consultation with the STEM education innovation alliance specified in RCW 28A.188.030 and the statewide STEM organization specified in RCW 28A.188.050. The superintendent of public instruction must develop grant application materials and criteria in consultation with the statewide STEM organization, must review applications for accuracy and financial reasonableness, and must administer awarded grants. With funds specifically appropriated for this purpose, the superintendent of public instruction must contract with the statewide STEM organization specified in RCW 28A.188.050 to evaluate applications against the criteria developed for the program and develop a single prioritized list. The superintendent of public instruction must award no less than six and no more than eight grants within the appropriated funding and may ((~~only~~)) depart from the recommended prioritized list only after ((~~notifying~~)) consulting with the office of financial management and the appropriate committees of the legislature ((~~with an explanation of the reasons for departing from the list~~)). The criteria must include, but are not limited to, the following:

(a) Priority for school districts that secure private donations of cash, like-kind, or equipment in value no less than $100,000 weighted by the ratio of school district enrollments to value of donation;

(b) A district's lack of ability to raise funds through levies or bonds in the prior ten-year period;

(c) Priority for applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program;

(d) The extent that existing STEM facilities are inadequate including the lack of adequate STEM facilities to meet graduation requirements in RCW 28A.150.220;

(e) A demonstration that existing STEM faculty are in place and are qualified to deliver an interactive, project-based STEM curriculum in the proposed specialized STEM facilities, or a plan and budget are in place to recruit or train such STEM faculty;

(((~~(4)~~))) (5) For purposes of grant applications made in the 2015-2017 biennium, additional square footage funded through this grant program is excluded from the school district's inventory of available educational space for determining eligibility for state assistance for new construction ((~~for~~)) until the earlier of: (a) Five years following acceptance of the project by the school district board of directors((~~,~~)); or (b) the date of the final review of the latest study and survey of the affected school district following acceptance of the project by the school district board of directors((~~, whichever date is earliest~~)).

(((~~(5)~~))) (6) Each school district is limited to one grant award, which may be used for more than one school facility within the district, of no more than $4,000,000.

((~~(6)~~)) (7) The office of the superintendent of public instruction may charge fees consistent with capital budget guidelines established by the office of financial management for administering the grants.

((~~(7)~~)) (8) The superintendent of public instruction must report to the appropriate committees of the legislature and the office of financial management on: (a) The timing and use of the funds by the end of each fiscal year, until the funds are fully expended; and (b) recommendations to establish a STEM grant program within the framework of the school construction assistance program by December 1, 2016.

((~~(8) $200,000 of the appropriation is provided for the contract with the statewide STEM organization specified in RCW 28A.188.050.~~))

State Building Construction Account—State $12,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $12,500,000

Sec. 5006. 2015 3rd sp.s. c 3 s 5028 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

K-3 Class-Size Reduction Grants (92000039)

The appropriation in this section is subject to the following conditions and limitations:

(1) $10,000,000 of this appropriation is provided solely for Seattle public schools to provide additional state assistance for public school facilities necessary to support all-day kindergarten and class size reduction in kindergarten through third grade.

(2) The remaining portion of the appropriation is for the K-3 class size reduction construction pilot grant program specified in section 201, chapter ((~~. . . (Engrossed Substitute Senate Bill No. 6080)~~)) 41, Laws of 2015, 3rd sp. sess. to provide additional state assistance for public school facilities necessary to support all-day kindergarten and class size reduction in kindergarten through third grade.

(3) Within the remaining portion of the appropriation, a maximum of $750,000 is provided for the office of superintendent of public instruction to administer the K-3 class size reduction construction grant pilot program. The office may not use these funds for indirect costs.

(4) Should Seattle public schools have received additional state funds, in excess of the block grant provided in subsection (1) of this section, through the K-3 class size reduction construction grant pilot program, Seattle public schools may receive the amount provided by the calculated grant in the pilot program in excess of the block grant.

(5) The funding provided in subsection (1) of this section may not constitute local funding available to the Seattle public schools in order to be eligible for state funding assistance through the school construction assistance program pursuant to RCW 28A.525.166.

State Building Construction Account—State . . . . . ((~~$200,000,000~~)) $234,500,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0

TOTAL . . . . . .((~~$200,000,000~~)) $234,500,000

Sec. 5007. 2015 3rd sp.s. c 3 s 5091 (uncodified) is amended to read as follows:

FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

Central Area Community Opportunity Center (91000002)

The appropriation in this section is subject to the following conditions and limitations: $100,000 is provided solely for the purposes of predesign, development, and transition costs at the Seattle Vocational Institute to create the central area community opportunity center and clearinghouse. During predesign and development phase, community needs and input must be considered for project transition and completion. During this process, the board must work with the department of enterprise services to identify current available space within the Seattle Vocational Institute building, and shall prescribe methods of maximizing space efficiency for both current and potential tenants. The board and the department of enterprise services shall also identify costs associated with any renovation work needed to create additional usable space. The Seattle Central College shall work with the board on this effort. A report must be delivered to the legislature by December 1, ((~~2015~~)) 2016.

State Building Construction Account—State $100,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $0
TOTAL $100,000

Sec. 5008. 2015 3rd sp.s. c 3 s 5054 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY

Inventory and Condition of Schools Data Collection (91000033)

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature intends to complete the data collection, input, and verification of the inventory and condition of public school facilities in order to make informed decisions about K-12 school facility data collection processes and classroom capacity needs to fulfill current educational graduation requirements and class-size ratios. These decisions are best made when based on accurate data collected in a thorough and consistent manner by professionals experienced in making such inventory and condition assessments for public institutions.

(2) The appropriation is provided solely for the Washington State University extension energy office to complete collection, input, and verification of selected data of public school facilities, including skill centers, in the inventory and condition of schools system administered and maintained by the superintendent of public instruction.

(3) The Washington State University extension energy office shall conduct on-site visits to assess inventory and condition of all facilities for school districts that have no current study and survey as defined in RCW 28A.525.050 on file with the superintendent of public instruction as of July 1, 2015, or no pending

study and survey to be filed with the superintendent through an outstanding study and survey grant award. The data collected, sufficient to meet the study and survey requirements for school facilities space inventory and condition analysis, through on-site visits must be input into the inventory and condition of schools system.

(4) The Washington State University extension energy office shall input into the inventory and condition of schools system applicable data of inventory and condition of school facilities from all current studies and surveys on file with the superintendent of public instruction as of July 1, 2015. The data must be input into the system in a manner that captures older information and data first. As studies and surveys from outstanding grant awards are filed with the superintendent, the Washington State University extension energy office shall input data into the system once current study and survey data has been input. Activities conducted pursuant to this subsection must occur concurrently with activities in subsection (3) of this section.

(5) The Washington State University extension energy office shall conduct on-site verification of data for school districts whose current studies and surveys on file with the superintendent will expire by June 30, 2017. Data verification must be conducted to evaluate the study and survey process as a tool to collect accurate inventory and condition of schools data upon which policymakers can make informed decisions regarding school facility and capacity needs. Activities conducted pursuant to this subsection must occur concurrently with activities in subsection (3) of this section and once sufficient data has been input into the system per subsection (4) of this section to conduct on-site visits to verification.

(6)(a) The Washington State University extension energy office, concurrent with activities conducted in subsections (3), (4), and (5) of this section, must collect data to determine the information in (c)(i) through (vii) of this subsection. Additional on-site data collection for this task or collection of data from "as-built" documents or other valid sources must be accomplished to produce a valid sample for determining:

(b) The accuracy of reported number of classrooms in the most recent survey of classrooms and building data by the office of the superintendent of public instruction; and

(c) The variation in the size of schools and the allocation of space to the categories described in (c)(i) through (vii) of this subsection. The sample must be sufficient to determine this information for elementary, middle, high schools, and skills centers in districts of different sizes, growth rates, age, and relative property values.

(i) The square footage and number of classrooms. Classrooms are rooms that are used as classrooms or that could be used as classrooms under building code requirements and must include labs, shops, computer rooms used for instruction, art, and music classrooms. For this purpose, a music classroom is not a room designed to seat an audience;

(ii) The square footage of libraries;

(iii) The square footage of cafeteria and kitchen space;

(iv) The square footage of gymnasiums, locker rooms, and other indoor athletic facilities;

(v) The square footage of auditoriums and other performing arts space not counted as classrooms;

(vi) The square footage of administrative offices, and space used primarily by staff; and

(vii) The square footage of other space such as bathrooms, general circulation, mechanical rooms, and the balance of the total facility square footage not included in (c)(i) through (vi) of this subsection;

(d) The data included in (c)(i) through (vii) of this subsection must indicate whether the space is in a structure with a permanent foundation or not.

(7) As a general condition of appropriations provided to the superintendent of public instruction in this act, the superintendent of public instruction and each state school district shall provide requested facilities information and access to facilities in a timely manner to enable the Washington State University extension energy office to complete the tasks, oversight, and reporting requirements assigned in this section.

(8) The Washington State University extension energy office shall report progress of data collection, input, and verification to the appropriate committees of the legislature no later than December 1, 2015. The Washington State University extension energy office must complete all work in this section and make a final report to the appropriate committees of the legislature no later than December 1, 2016.

(9) If funding provided in this section is insufficient to carry out the tasks identified within this section, the Washington State University extension energy office shall prioritize the tasks to ensure the requirements in subsection (6) of this section are completed first. The Washington State University extension energy office may enter into an interagency agreement with the office of superintendent of public instruction for additional funding to carry out the tasks identified in this subsection.

Common School Construction Account—State .....((~~$1,550,000~~)) $2,336,000

Prior Biennia (Expenditures) $0

Future Biennia (Projected Costs) $0

TOTAL .....((~~$1,550,000~~)) $2,336,000

Sec. 5009. 2015 3rd sp.s. c 3 s 5085 (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON UNIVERSITY

North Campus Utility Upgrade (30000426)

State Building Construction Account—State .....((~~$600,000~~)) $209,000

Prior Biennia (Expenditures) .....((~~$2,982,000~~)) $3,373,000

Future Biennia (Projected Costs) $0

TOTAL $3,582,000

Sec. 5010. 2015 3rd sp.s. c 3 s 5086 (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON UNIVERSITY

Performing Arts Exterior Renewal (30000428)

State Building Construction Account—State .....((~~$387,000~~)) $355,000

Prior Biennia (Expenditures) . . . . . ((~~$2,560,000~~)) $2,592,000
Future Biennia (Projected Costs) $0
TOTAL $2,947,000

Sec. 5011. 2015 3rd sp.s. c 3 s 5089 (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON UNIVERSITY

Minor Works - Preservation (30000615)
State Building Construction Account—State . . . . . ((~~$3,572,000~~)) $3,995,000
Western Washington University Capital Projects Account—State $4,886,000
Subtotal Appropriation . . . . . ((~~$8,458,000~~)) $8,881,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $64,422,000
TOTAL . . . . . ((~~$72,880,000~~)) $73,303,000

Sec. 5012. 2015 3rd sp.s. c 3 s 5098 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Facilities Preservation - Minor Works Projects (30000222)
State Building Construction Account—State . . . . . ((~~$2,515,000~~)) $2,684,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs) $10,000,000
TOTAL . . . . . ((~~$12,515,000~~)) $12,684,000

Sec. 5013. 2015 3rd sp.s. c 3 s 5099 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Grants (30000237)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 27.34.330.

(2) The appropriation is provided solely for the following list of projects:

Project	**Authorized Amount**
Pantages centennial: Façade restoration	$685,000
Chong Wa parapet preservation	$66,000
Rehabilitation of historic structures	$750,000
Renovation heating of interior space of Balfour dock	$1,000,000
Town hall historic restoration: Phase one of construction	$1,000,000
Washington hall restoration	$452,000
Rehabilitation of Ritzville library for ADA compliance	$138,000
Quartermaster and dental surgery renovation project	$309,000
Skagit city school restoration	$91,000
Yamasaki courtyard restoration project	$129,000
Prairie line trail historic interpretation project	$400,000

Ancich netshed restoration $662,000
Chimney, gutter, and kitchen restoration $11,000
Federal building rehabilitation - phases II and III $920,000
Preservation of the Colville Indian agency cabin in Chewelah $33,000
Arthur Foss preservation and restoration phase II $166,000
Seaport landing development - renovation of building #8 . . . . . $1,000,000
Si view community center rehabilitation project phase II $130,000
Revitalization to historic wells house for community use $26,000
Chiyo's garden phase II. $108,000
Historic community center, library, and city hall restoration $185,000
Sea mar latino history and cultural center. $654,000
Olympia waldorf school - the next 100 years $20,000
Chinook school restoration - final phase $79,000
Phase III of Worthington park - Quilcene. $244,000
El centro de la raza community access and security project. $100,000
Steam locomotives changed everything $199,000
The artifact/exhibit environmental conservation project $8,000
F/V Shenandoah restoration project - phase three $41,000
Henderson house and Tumwater historic district interpretive $50,000
Carnegie library renovation phase II. $344,000
Gig Harbor boatshop, Eddon boatyard house restoration. . . . . Alternate
Yakima Valley trolley capital improvement project. . . . . Alternate
Total **$10,000,000**
State Building Construction Account—State $10,000,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs). $0
TOTAL $10,000,000

NEW SECTION. **Sec. 5014.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Campbell House Roof Replacement (92000001)
State Building Construction Account—State $376,000
Prior Biennia (Expenditures) $0
Future Biennia (Projected Costs). $0
TOTAL $376,000

PART 6
MISCELLANEOUS PROVISIONS

Sec. 6001. 2015 3rd sp.s. c 3 s 7001 (uncodified) is amended to read as follows:

RCW 43.88.031 requires the disclosure of the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in this act are ((~~thirty-six million eight hundred thirteen~~)) eighty-two million nine hundred twenty-one thousand dollars for the 2015-2017 biennium, ((~~two hundred thirty-three million two hundred eighty-six~~)) three hundred fifty-four million eight hundred fifty thousand dollars for the 2017-2019 biennium, and ((~~three hundred twenty-seven million two~~

~~hundred thirty-four~~)) four hundred forty-eight million five hundred twenty-six thousand dollars for the 2019-2021 biennium.

Sec. 6002. 2015 3rd sp.s. c 3 s 7002 (uncodified) is amended to read as follows:

(1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of enterprise services and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Department of enterprise services: Enter into a financing contract for up to $69,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a new office building at 1063 Capitol Way South, Olympia.

(4) Department of enterprise services: Enter into a financing contract for up to $8,077,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to repair the natural resources building parking garage fire suppression system.

(5) Department of ecology: Enter into a financing contract for up to $180,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for programmatic improvements to the headquarters building and the eastern regional office.

(6) Department of ecology: Enter into a financing contract for up to $760,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for preservation improvements to the headquarters building.

(7) Central Washington University: Enter into a financing contract for up to $8,414,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a welcome center.

(8) The Evergreen State College: Enter into a financing contract for up to $12,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase a permanent location for the Tacoma program.

(9) Western Washington University: Enter into a financing contract for up to $6,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the carver building renovation.

(10) Eastern Washington University: Enter into a financing contract for up to $10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Washington street facility project. The university shall not use their building account or other appropriated account as a fund source for the certificate of participation.

(11) Community and technical colleges:

(a) Enter into a financing contract on behalf of Centralia Community College for up to $5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the student services building.

(b) Enter into a financing contract on behalf of Centralia Community College for up to $3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct student housing.

(c) Enter into a financing contract on behalf of Clark College for up to $8,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the culinary arts facility.

(d) Enter into a financing contract on behalf of Clark College for up to $35,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to design and construct a student recreation center.

(e) Enter into a financing contract on behalf of Columbia Basin College for up to $7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to design and construct a health science center.

(f) Enter into a financing contract on behalf of Green River College for up to $15,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an aviation program center.

(g) Enter into a financing contract on behalf of Highline College for up to $1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the maintenance and grounds building.

(h) Enter into a financing contract on behalf of Lower Columbia College for up to $3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the main building.

(i) Enter into a financing contract on behalf of Lower Columbia College for up to $3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate and expand the Myklebust gymnasium.

(j) Enter into a financing contract on behalf of Tacoma Community College for up to $12,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to expand a health and wellness center.

(k) Enter into a financing contract on behalf of Walla Walla Community College for up to $1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a workforce and business development center.

(l) Enter into a financing contract on behalf of Bellevue College for up to $45,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct student housing.

(m) Enter into a financing contract on behalf of Pierce College for up to $3,000,000 plus financing expenses and required reserves pursuant to chapter

39.94 RCW to purchase and renovate student housing at the Fort Steilacoom campus.

(n) Enter into a financing contract on behalf of Spokane Falls Community College for up to $19,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the gymnasium.

(o) Enter into a financing contract on behalf of Wenatchee Valley College for up to $6,200,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a recreation center.

(12) Washington state patrol: Enter into a financing contract for up to $13,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to replace the fire training academy burn building; however, local agencies that use the burn building must have indicated support for required fee increases to pay for the debt service for the financing contract. Indication of support means at least sixty percent of local agencies which have used the facility within the prior ten years support the fee increase.

(13) Department of corrections: Enter into a financing contract for up to $2,163,000 plus financing expenses and required reserves for the remodel of the correctional industry's food factory.

NEW SECTION. **Sec. 6003.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

By June 30, 2017, the department of natural resources shall transfer to Green River College, South Seattle College-Georgetown campus, Grays Harbor College, and Highline College the charitable, educational, penal and reformatory institution trust land currently leased to the colleges. The transfer documents must specify that the land be used for the educational purposes of the colleges and if the land ceases to be used for the educational purposes of the colleges, the colleges shall transfer the land to the department of natural resources to be managed as charitable, educational, penal and reformatory institution trust land.

NEW SECTION. **Sec. 6004.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

The department of natural resources, the department of fish and wildlife, and the state parks and recreation commission shall evaluate the use of locally-produced renewable biofertilizers and fiber from dairy digester systems when such products are cost-competitive and provide a suitable substitute for imported conventional fertilizers and fiber when blended with or used in place of conventional fertilizers and fiber. By November 1, 2016, the agencies shall report to the legislature and governor with the results of the demonstration projects.

Sec. 6005. 2015 3rd sp.s. c 3 s 7023 (uncodified) is amended to read as follows:

(1) The joint legislative audit and review committee must conduct a review of state and local efforts to protect and conserve habitat and expand outdoor recreation since 1990.

(2) The review has two objectives:

(a) To determine what existing or potential objective outcome measures can be used to evaluate the success of major regulatory programs or state expenditures that are intended to protect and conserve habitat and expand outdoor recreation; and

(b) To compare the amount of habitat lands protected through acquisitions and easements with the amount of lands protected through the major regulatory programs within three counties west of the cascades and three counties east of the cascades.

(3) The review must include state expenditures and local and federal expenditures used to match state funding in the following programs:

(a) Salmon recovery funding board expenditures;

(b) Puget Sound acquisition and restoration;

(c) Puget Sound estuary and salmon restoration;

(d) The Washington wildlife and recreation program;

(e) State parks and recreation commission expenditures that expand recreational lands and facilities;

(f) Trust land transfer program and other expenditures by the department of natural resources that protect habitat or expand recreation; and

(g) Other state expenditures that expand recreational lands and facilities.

((~~(3)~~)) (4) The review must also include the following regulatory programs:

(a) Growth management regulations regarding critical areas;

(b) Wetland restrictions;

(c) Shoreline management rules;

(d) Forest practices regulation; ((~~and~~))

(e) Hydraulic project approval program;

(f) The clean water act; and

(g) Flood plain management.

((~~(4)~~)) (5) The review must identify other objective benefits provided by each of the included programs, such as public safety, habitat protection, environmental quality, public health, protection of ((~~intrastructure~~)) infrastructure, maintaining or improving recreational access proportional to state population growth, and economic development. The review must include existing studies and analyses of these objective benefits.

((~~(5)~~)) (6) The review must also examine a sample of recreation and habitat land acquisition by state agencies within the past ten years to determine whether the state agencies have a land stewardship program for the land parcels, what that program entails, and the extent of compliance with that program. Land stewardship includes, but is not limited to, restoring or developing the land to meet the objectives of the acquisition, suppressing invasive weeds, securing the property to prevent damage, and maintaining the land to prevent wildfires.

((~~(6)~~)) (7) In undertaking the review, the joint legislative audit and review committee may contract with experts, and shall utilize information provided by state agencies, and provided by stakeholders who use science-based data to quantify benefits of natural lands in measuring the outcomes of regulatory and funding programs to protect and conserve habitat.

((~~(7)~~)) (8) By December 1, ((~~2016~~)) 2017, the joint legislative audit and review committee must submit a report to the appropriate committees of the senate and the house of representatives that presents information and findings from the study. The report is to include recommendations for accountability measures for determining the achievement of intended outcomes for protecting, acquiring, and improving habitat and recreation lands and facilities.

NEW SECTION. **Sec. 6006.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

Until June 30, 2027, the director of the department of enterprise services is granted authority to transfer and convey real property, known as the former northern state hospital site, to the port of Skagit upon the director's determination that such a transfer is appropriate and in furtherance of the interest of the state. Provided, that any conveyance of ownership interest to the port of Skagit county must restrict the port from transferring ownership of the property to any nongovernmental entity or private person. Should legal requirements to provide behavioral health services at other locations fail to be met, having made diligent efforts to do so, the state may extend the leases with the current behavioral health tenants for the minimum time needed to meet such requirements with due diligence. The director shall consult with the office of financial management. This transfer is not subject to the requirements of RCW 43.09.210.

Sec. 6007. 2015 3rd sp.s. c 3 s 7012 (uncodified) is amended to read as follows:

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding $200,000 by colleges or universities is provided solely for the purposes of RCW 28B.10.027.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency identified in RCW 43.17.020 is provided solely for the purposes of RCW 43.17.200.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2015-2017 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art. Art allocations not expended within the ensuing two biennia will lapse. The commission may use up to $100,000 of this amount to conserve or maintain existing pieces in the state art collection pursuant to RCW 28A.335.210.

(5) The executive director of the arts commission shall appoint a study group to review the operations of the one-half of one percent for works of art purchased or commissioned as required by RCW 28A.335.210, 28B.10.027, and 43.17.200. The findings of the review must be reported annually to the office of financial management and the fiscal committees of the legislature by ((~~August~~)) September 15th. The review must include, but is not limited to, the following: (a) Projects purchased or commissioned per biennium; (b) partner agencies; (c) funding sources by fiscal year; (d) artwork costs; (e) administrative costs; (f) collection care costs; and (g) project status.

Sec. 6008. RCW 28B.10.027 and 2005 c 36 s 3 are each amended to read as follows:

(1) All universities and colleges shall allocate as a nondeductible item, out of any moneys appropriated for the original construction or any major renovation or remodel work exceeding two hundred thousand dollars of any building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission with the approval of the board of regents or trustees for the acquisition of works of art.

(2) For projects funded in the 2015-2017 capital budget, an institution of higher education, working with the Washington arts commission, may expend up to ten percent of the projected art allocation for a project during the design phase in order to select an artist and design art to be integrated in the building

design. The one-half of one percent to be expended by the Washington arts commission must be adjusted downward by the amount expended by a university or college during the design phase of the capital project.

(3) The works of art may be placed on public lands of institutions of higher education, integral to or attached to a public building or structure of institutions of higher education, detached within or outside a public building or structure of institutions of higher education, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities.

(4) In addition to the cost of the works of art, the one-half of one percent of the appropriation shall be used to provide for the administration of the visual arts program, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, and other buildings of a temporary nature.

***NEW SECTION.** Sec. 6009. A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:*

Consistent with RCW 39.35B.050, the office of financial management shall require a life cycle cost analysis to be prepared as part of any proposal to acquire, construct, or lease all new state office buildings and warehouses to establish the economic viability of the project and prove its benefit to Washington state taxpayers. A life cycle cost analysis must be prepared on all projects or buildings greater than 20,000 square feet. A life cycle cost analysis must be performed by the office of financial management when preparing the state's six-year facilities plan or when evaluating a request for a project through the modified predesign or budget review processes. All results of the life cycle cost analysis must be verified by an independent consultant selected by the chairs of the house of representatives and senate capital budget committees and transmitted to the appropriate legislative committees and be published on the office of financial management's web site to inform stakeholders. Funding for the life cycle cost analysis must include funding for the review by independent consultants. The life cycle cost analysis must include all moneys related to the development of the project including but not limited to: (1) Predesign; (2) design; (3) consultants; (4) demolition; (5) construction costs; (6) tenant relocation costs; (7) parking costs; (8) ongoing maintenance; (9) future capital improvements expected during the term of the lease or building ownership; and (10) other related costs by both state-owned and privately owned facilities.

Sec. 6009 was vetoed. See message at end of chapter.

Sec. 6010. RCW 39.80.040 and 2010 c 5 s 10 are each amended to read as follows:

In the procurement of architectural and engineering services, the agency shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select

therefrom, based upon criteria established by the agency, the firm deemed to be the most highly qualified to provide the services required for the proposed project. Such agency procedures and guidelines shall include a plan to ((~~insure~~)) ensure that minority and women-owned firms and veteran-owned firms are afforded the maximum practicable opportunity to compete for and obtain public contracts for services. The level of participation by minority and women-owned firms and veteran-owned firms shall be consistent with their general availability within the professional communities involved. For the 2015-2017 biennium the procurement for services related to modular classrooms may be expedited.

Sec. 6011. RCW 43.83B.430 and 2011 c 5 s 911 are each amended to read as follows:

The state drought preparedness account is created in the state treasury. All receipts from appropriated funds designated for the account and funds transferred from the state emergency water projects revolving account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for drought preparedness. During the 2009-2011 fiscal biennium, the legislature may transfer from the state drought preparedness account to the state general fund such amounts as reflect the excess fund balance of the account. During the 2015-2017 fiscal biennium the account may also be used for drought response.

Sec. 6011 was vetoed. See message at end of chapter.

NEW SECTION. **Sec. 6012.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

To avoid unnecessary duplication of infrastructure installation and reduce school construction costs funded through the school construction assistance program in this budget, by June 1, 2016, the building code council shall adopt emergency amendments providing that buildings classed as E occupancies, as defined in the state building code, are not required to install an emergency voice alarm system as defined in the 2012 International Building Code and International Fire Code section 907.2.3. The school district must comply with RCW 28A.320.126 by working collaboratively with local law enforcement agencies to develop an emergency response system using evolving technologies and the school district must adopt a safe school plan under RCW 28A.320.125.

Sec. 6013. RCW 70.148.020 and 2013 2nd sp.s. c 4 s 993 are each amended to read as follows:

(1) The pollution liability insurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the pollution liability insurance and underground storage tank community assistance programs. Expenditures for payment of administrative and operating costs of the agency are subject to the allotment procedures under chapter 43.88 RCW and may be made only after appropriation by statute. No appropriation is required for other expenditures from the account.

(2) Each calendar quarter, the director shall report to the insurance commissioner the loss and surplus reserves required for the calendar quarter. The

director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter.

(3) Each calendar quarter the director shall determine the amount of reserves necessary to fund commitments made to provide financial assistance under RCW 70.148.130 to the extent that the financial assistance reserves do not jeopardize the operations and liabilities of the pollution liability insurance program. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter. The director may immediately establish an initial financial assistance reserve of five million dollars from available revenues. The director may not expend more than fifteen million dollars for the financial assistance program.

(4) During the 2013-2015 fiscal biennium, the legislature may transfer from the pollution liability insurance program trust account to the state general fund such amounts as reflect the excess fund balance of the account.

(5) During the 2015-2017 fiscal biennium, the legislature may transfer from the pollution liability insurance program trust account to the underground storage tank revolving account such amounts as reflect the excess fund balance of the account.

(6) This section expires July 1, 2020.

Sec. 6014. 2015 3rd sp.s. c 3 s 7037 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Public works assistance account—state: For transfer to the water pollution control revolving account, up to $6,000,000 for fiscal year 2016 and up to $6,000,000 for fiscal year 2017 . . . . . $12,000,000

Public works assistance account—state: For transfer to the drinking water assistance account, up to $4,000,000 for fiscal year 2016 and up to $4,000,000 for fiscal year 2017 . . . . . $8,000,000

Pollution liability insurance program trust account—state: For transfer to the underground storage tank revolving account $10,005,000

Sec. 6015. 2015 3rd sp.s. c 3 s 7038 (uncodified) is amended to read as follows:

STATE TREASURER TRANSFER AUTHORITY

State toxics control account: For transfer to the environmental legacy ((~~trust~~)) stewardship account $24,000,000

Local toxics control account: For transfer to the environmental legacy ((~~trust~~)) stewardship account $30,000,000

(1) As directed by the department of ecology in consultation with the office of financial management, the state treasurer shall transfer amounts among the state toxics control account, the local toxics control account, and the environmental legacy stewardship account as needed during the 2015-2017 fiscal biennium to maintain positive account balances in all three accounts.

(2) As directed by the department of ecology in consultation with the office of financial management, the state treasurer shall transfer amounts from the cleanup settlement account established in RCW 70.105D.130 to the state toxics

control account, the local toxics control account or the environmental legacy stewardship account to maintain positive account balances up to an amount not to exceed ((~~$13,000,000~~)) $23,000,000 that must be considered an inter fund loan that must be repaid with interest to the cleanup settlement account in three equal repayments in fiscal years ((~~2018,~~)) 2019, ((~~and~~)) 2020, and 2021.

(3) If, after using the inter-fund transfer authority granted in this section, the department of ecology determines that further reductions are needed to maintain positive account balances in the state toxics control account, the local toxics control account, and the environmental legacy stewardship account, the department is authorized to delay the start of clean-up projects based on acuity of need, readiness to proceed, cost-efficiency, or need to ensure geographic distribution. ((~~If the department uses this authority,~~))

(4) By June 30, 2017, the department must submit a ((~~prioritized~~)) list of projects that ((~~may be~~)) were delayed to the office of financial management and the appropriate fiscal committees of the legislature.

NEW SECTION. **Sec. 6016.** A new section is added to chapter 43.79 RCW to read as follows:

The dairy nutrient infrastructure account is created in the state treasury. All receipts from repayment of loans made by the state conservation commission for dairy nutrient management demonstration projects must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for dairy nutrient management demonstration projects.

Sec. 6017. 2015 3rd sp.s. c 3 s 1001 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

House of Representatives Interim Task Force on Washington Waters (91000002)

(1) The house of representatives finds that low water supply in portions of eastern Washington, catastrophic flood damage, and storm water runoff polluting state waterways have reached crisis levels, endangering the health and safety of our citizens and the environment.

(2) The house of representatives interim task force on Washington waters is established to build upon the foundation of Senate Bill No. 5628 that was introduced in the 2015 regular session and provided for storm water, flood control, and water supply infrastructure in the state. The objective of the task force is to prepare a report and draft legislation for consideration in the 2016 legislative session that:

(a) Quantifies the level of funding needed through fiscal year 2026 to address the three water priorities;

(b) Develops and recommends state funding options that address the three water priorities equally;

(c) Develops and recommends local funding options that generate revenues from municipal and agricultural beneficiaries;

(d) Develops and recommends criteria and mechanisms for managing, prioritizing and distributing the funding;

(e) Analyzes and reports on the metrics and variables associated with water market pricing, including the costs per acre-foot of water supply developed and delivered for irrigation; and

(f) Addresses other relevant issues as determined by the task force.

(3) The house of representatives interim task force on Washington waters must consist of ten members:

(a) Five members from the majority caucus appointed by the speaker of the house, including the chair of the capital budget committee; one member each from the appropriations, finance, and transportation committees; and one member at large; and

(b) Five members from the minority caucus appointed by the minority leader, including the ranking minority member of the capital budget committee; one member each from the appropriations, finance, and transportation committees; and one member at large.

(c) The chair and the ranking minority member of the capital budget committee shall cochair the task force.

(d) Appointments to the task force must be completed within fifteen days of the effective date of this section.

(4) Principal staff support for the task force must be provided by the house of representatives office of program research. The task force may:

(a) Request the participation of the office of financial management and other relevant executive branch agencies;

(b) Enter into contracts with persons who have specific technical expertise; and

(c) Solicit information and perspectives from representatives of public and private organizations.

(5) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Task force expenditures are subject to approval by the house of representatives executive rules committee, or its successor committee.

(6) The task force must report its findings and recommendations to appropriate legislative committees by November 15, 2015.

(7) The task force expires on June 30, 2016.

~~((8) The appropriation in this section is provided solely for any technical research and analysis required to carry out the task force objectives in subsection (2) of this section.~~

~~State Building Construction Account—State . . . . . $75,000~~
~~Prior Biennia (Expenditures) . . . . . $0~~
~~Future Biennia (Projected Costs) . . . . . $0~~
~~TOTAL . . . . . $75,000~~))

NEW SECTION. **Sec. 6018.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

(1) The legislature intends to consider forming a joint legislative task force on school construction in 2017. To prepare for the work of such a task force, the legislature desires input and data collection from a school construction technical work group as described in subsection (2) of this section.

(2) The school construction technical work group consists of fiscal or related staff from the office of program research of the house of representatives, senate committee services, and the office of financial management, in

consultation with the office of superintendent of public instruction, and the citizen advisory panel and technical advisory group as established in RCW 28A.525.025.

(3) The technical work group shall monitor the progress and status of the following work underway during 2016:

(a) The status of implementing chapter 41, Laws of 2015 3rd sp. sess., including recommendations for modifying the formula to fund K-3 classrooms due to the legislature by December 1, 2016;

(b) The findings and results from the work performed by the Washington State University energy office, including verification of K-12 building condition and classroom counts, and measuring school sizes in a sample of schools due to the legislature by December 1, 2016;

(c) The findings and results from the work by educational service district 112, including the major causes of variations in the cost of construction of schools due to the legislature by September 1, 2016; and

(d) The status of implementing capital grants to improve facilities for science, technology, engineering, and math education (STEM), including how the grants interact with the school construction assistance program due to the legislature by June 30, 2016.

(4) Based on the findings and results of the work underway in subsection (3) of this section and recommendations made by previous task forces, the technical work group shall compile key elements and identify issues for the legislature to consider to improve how state assistance is provided to school districts to design, build, and maintain public schools. The key elements compiled and issues identified may include, but not be limited to, the following:

(a) Education specifications recognized by the state for effective and efficient school design and construction for the purpose of providing guidance to school districts when designing school construction projects;

(b) A capital asset model for K-12 school construction that considers space and usage needs to calculate construction assistance for:

(i) New schools to accommodate enrollment growth;

(ii) Major modernization projects to address aging facilities;

(iii) Replacement and renewal of major building systems based on achieving lowest life-cycle building costs, provided that standards of routine maintenance are achieved by local districts;

(iv) Specialized facility improvements, such as STEM facilities and vocational facilities such as skills centers;

(c) Transparency when districts are proposing local bond issues and capital levies for school construction;

(d) Equity in allocating grants for school construction such that the share of school construction costs reflects the relative ability to raise necessary property taxes to pay for the local share; and

(e) An alternative process for projecting enrollment growth to allow for incremental growth.

(5) The technical work group shall:

(a) Periodically report its progress and findings to members of the senate ways and means committee and the house of representatives capital budget committee; and

(b) Make an initial report to the appropriate committees of the legislature during 2016 interim committee assembly. A final report is due to the legislature by January 15, 2017.

NEW SECTION. **Sec. 6019.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. **Sec. 6020.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

The office of financial management shall analyze and make recommendations on strategies to stabilize revenue and provide more reliable funding for the purposes under RCW 70.105D.070. The agency must consult with the department of revenue, the department of ecology, fiscal and budget staff of the house of representatives and the senate, and independent policy experts and practitioners. A report must be submitted to the legislature no later than November 1, 2016, and must include the following information:

(1) Historic spending rates and trends for cleaning up toxic sites, preventing and controlling pollution, and splits between operating and capital spending;

(2) Recommendations on prioritizing funding under RCW 70.105D.070 and budget strategies to meet existing and projected needs;

(3) An evaluation of options to increase the sustainability and decrease the volatility of the revenue from the hazardous substance tax;

(4) An analysis of revenue for toxic cleanup and prevention purposes in other states; and

(5) Measures to improve transparency, efficiency, and budget accountability.

Sec. 6021. RCW 43.84.180 and 2003 c 150 s 3 are each amended to read as follows:

The proportionate share of earnings based on the average daily balance in the public works assistance account shall be placed in the public facilities construction loan revolving fund, provided that during the 2015-2017 biennium the public works assistance account must retain its own interest earnings and costs.

NEW SECTION. **Sec. 6022.** 2015 3rd sp.s. c 3 s 1072 (uncodified) is repealed.

NEW SECTION. **Sec. 6023.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House March 29, 2016.

Passed by the Senate March 29, 2016.

Approved by the Governor April 18, 2016, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 18, 2016.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 6009 and 6011, Engrossed Substitute House Bill No. 2380 entitled:

"AN ACT Relating to the capital budget."

Section 6009, page 86, Life Cycle Cost Analyses
Section 6009 requires the Office of Financial Management (OFM) to verify the results of its life cycle cost analyses with an independent consultant selected by the chairs of the House and Senate capital budget committees. Engaging a third party will add cost and time, and funding for the consultant was not provided. For these reasons, I have vetoed Section 6009. However, I have directed OFM to post completed life cycle cost analyses on its website to make them more accessible to the public.

Section 6011, page 87, State Drought Preparedness Account
Section 6011 amends the State Drought Preparedness Account to be used for drought response. It is redundant with Section 933 in Second Engrossed Substitute House Bill 2376 (supplemental operating budget) and, therefore, is unnecessary. For this reason, I have vetoed Section 6011.

For these reasons I have vetoed Sections 6009 and 6011 of Engrossed Substitute House Bill No. 2380.

With the exception of Sections 6009 and 6011, Engrossed Substitute House Bill No. 2380 is approved."

CHAPTER 36

[Second Engrossed Substitute House Bill 2376]
OPERATING BUDGET--SUPPLEMENTAL

AN ACT Relating to fiscal matters; amending RCW 18.20.430, 18.43.150, 18.85.061, 18.85.461, 19.02.210, 28B.122.050, 38.52.105, 41.06.280, 41.16.050, 41.26.802, 41.45.035, 41.80.010, 41.80.140, 43.09.475, 43.10.220, 43.43.839, 43.43.944, 43.79.201, 43.79.445, 43.79.460, 43.83B.430, 43.135.045, 43.155.050, 43.185.030, 43.350.070, 43.372.070, 46.08.160, 50.16.010, 50.24.014, 69.50.530, 70.128.160, 72.09.090, 72.09.465, 77.12.201, 79A.80.090, 90.03.650, and 90.56.335; amending 2015 3rd sp.s. c 4 ss 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 504, 505, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 601, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 701, 704, 705, 712, 725, 722, 801, 802, 803, 805, 806, 932, 933, 938, and 944 (uncodified); reenacting and amending RCW 70.105D.070; adding a new section to chapter 43.41 RCW; adding new sections to 2015 3rd sp.s. c 4 (uncodified); repealing 2015 3rd sp.s. c 4 s 715 (uncodified); making appropriations; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

PART I
GENERAL GOVERNMENT

Sec. 101. 2015 3rd sp.s. c 4 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES
General Fund—State Appropriation (FY 2016) . . . . . .((~~$33,485,000~~))
$33,859,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$34,953,000~~))
$35,287,000
Motor Vehicle Account—State Appropriation . . . . . ((~~$1,918,000~~))
$1,917,000
TOTAL APPROPRIATION . . . . . ((~~$70,356,000~~))
$71,063,000

((~~The appropriations in this section are subject to the following conditions and limitations: The joint select task force on nuclear energy created in chapter 221, Laws of 2014 is extended until December 1, 2017.~~))

Sec. 102. 2015 3rd sp.s. c 4 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund—State Appropriation (FY 2016) . . . . . ((~~$22,997,000~~))
$23,538,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$25,771,000~~))
$26,360,000
Motor Vehicle Account—State Appropriation $1,748,000
TOTAL APPROPRIATION . . . . . ((~~$50,516,000~~))
$51,646,000

((~~The appropriations in this section are subject to the following conditions and limitations: The joint select task force on nuclear energy created in chapter 221, Laws of 2014 is extended until December 1, 2017.~~))

Sec. 103. 2015 3rd sp.s. c 4 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund—State Appropriation (FY 2016) $45,000
General Fund—State Appropriation (FY 2017) $83,000
Performance Audits of Government—State Appropriation . . . . . ((~~$6,711,000~~))
$6,726,000
TOTAL APPROPRIATION. $6,854,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2015-2017 work plan as necessary to efficiently manage workload.

(2) The committee shall analyze the forest fire protection assessment established in chapter 76.04 RCW. The analysis shall include:

(a) The process the department of natural resources uses to determine the assessments;

(b) The statutory framework for assessing based on parcels and being considered forest land;

(c) The cost efficiency of the administrative processes to collect assessments and issue refunds;

(d) The rates of the assessment for forest fire protection, including the costs of county assessor participation;

(e) The historical relationship between the rates and protection expenditures or anticipated expenditures and eventual suppression expenditures;

(f) How other states assess for protection or suppression;

(g) Parcels assessed as forest lands that have become developed properties and are not covered, serviced, or taxed by a fire protection district;

(h) Identification of parcels within the state that are not subject to the assessment and are not included in a local fire district.

A report on the results of the analysis with any findings and recommendations shall be submitted to the appropriate committees of the legislature by ((~~December 2016~~)) July 2017.

(3) $30,000 of the general fund—state appropriation for fiscal year 2016 and $30,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2439 (youth mental health services). If the bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(4) $15,000 of the general fund—state appropriation for fiscal year 2016 and $41,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of Second Substitute House Bill No. 2791 (WA statewide reentry council). If the bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(5) $12,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Substitute House Bill No. 2938 (WA trade conventions/taxes). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(6) The committee shall analyze fire suppression funding and costs for the department of natural resources and the state fire marshal. The analysis shall include:

(a) The agencies' estimates of fire suppression costs for individual fires;

(b) Suppression costs for state lands, private lands, and federal lands;

(c) Costs for suppressing fires on undeveloped lands and developed lands;

(d) The source of funds for reimbursement of suppression costs and the process for seeking reimbursement; and

(e) The extent to which suppression activities were related to private properties covered by fire insurance.

A report on the results of the analysis with any findings and recommendations shall be submitted to the appropriate committees of the legislature by December 2017.

Sec. 104. 2015 3rd sp.s. c 4 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Performance Audits of Government—State Appropriation . . . . . ((~~$3,658,000~~)) $3,678,000

Sec. 105. 2015 3rd sp.s. c 4 s 105 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund—State Appropriation (FY 2016) . . . . . ((~~$9,277,000~~)) $9,334,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$9,729,000~~)) $9,784,000

TOTAL APPROPRIATION . . . . . ((~~$19,006,000~~))
$19,118,000

Sec. 106. 2015 3rd sp.s. c 4 s 106 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund—State Appropriation (FY 2016) $296,000
General Fund—State Appropriation (FY 2017) $296,000
State Health Care Authority Administrative Account—State Appropriation. $394,000
Department of Retirement Systems Expense Account—State Appropriation . . . . . ((~~$4,631,000~~))
$4,552,000
TOTAL APPROPRIATION . . . . . ((~~$5,617,000~~))
$5,538,000

The appropriations in this section are subject to the following conditions and limitations: During the 2016 legislative interim, the select committee on pension policy shall study Senate Bill No. 6668 (LEOFF 1 & TRS 1 merger) and report on the tax, legal, fiscal, policy, and administrative implications. In conducting the study, the select committee on pension policy shall also update its 2011 study of law enforcement officers' and firefighters' retirement system plans 1 and 2. In preparing this study, the department of retirement systems, the attorney general's office, the law enforcement officers' and firefighters' retirement system plan 2 board, and the office of the state actuary shall provide the select committee on pension policy with any information or assistance the committee requests. The committee shall also receive stakeholder input on the bill as part of its deliberation. The select committee on pension policy shall submit this report to the legislature by January 9, 2017.

Sec. 107. 2015 3rd sp.s. c 4 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund—State Appropriation (FY 2016) . . . . . ((~~$4,160,000~~))
$4,165,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$4,709,000~~))
$4,712,000
TOTAL APPROPRIATION . . . . . ((~~$8,869,000~~))
$8,877,000

Sec. 108. 2015 3rd sp.s. c 4 s 108 (uncodified) is amended to read as follows:

FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES

General Fund—State Appropriation (FY 2016) . . . . . ((~~$3,835,000~~))
$4,052,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$4,288,000~~))
$4,536,000
TOTAL APPROPRIATION . . . . . ((~~$8,123,000~~))
$8,588,000

The appropriations in this section are subject to the following conditions and limitations: $25,000 of the general fund—state appropriation for fiscal year

2016 and $25,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for expenditure into the legislative oral history account under RCW 44.04.345.

Sec. 109. 2015 3rd sp.s. c 4 s 110 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund—State Appropriation (FY 2016) . . . . . ((~~$7,491,000~~)) $7,573,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$7,594,000~~)) $7,643,000

TOTAL APPROPRIATION . . . . . ((~~$15,085,000~~)) $15,216,000

Sec. 110. 2015 3rd sp.s. c 4 s 111 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund—State Appropriation (FY 2016) . . . . . ((~~$1,570,000~~)) $1,583,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$1,577,000~~)) $1,592,000

TOTAL APPROPRIATION . . . . . ((~~$3,147,000~~)) $3,175,000

Sec. 111. 2015 3rd sp.s. c 4 s 112 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund—State Appropriation (FY 2016) . . . . . ((~~$1,134,000~~)) $1,117,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$1,076,000~~)) $1,117,000

TOTAL APPROPRIATION . . . . . ((~~$2,210,000~~)) $2,234,000

Sec. 112. 2015 3rd sp.s. c 4 s 113 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund—State Appropriation (FY 2016) . . . . . ((~~$16,866,000~~)) $17,000,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$17,292,000~~)) $17,311,000

TOTAL APPROPRIATION . . . . . ((~~$34,158,000~~)) $34,311,000

***Sec. 113.** 2015 3rd sp.s. c 4 s 114 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund—State Appropriation (FY 2016) . . . . . ((~~$55,930,000~~)) $56,244,000

General Fund—State Appropriation (FY 2017). . . . . ((~~$56,764,000~~)) $56,180,000

General Fund—Federal Appropriation $2,154,000

General Fund—Private/Local Appropriation $667,000

Judicial Information Systems Account—State
Appropriation. . . . . .((~~$56,016,000~~))
$56,772,000
Judicial Stabilization Trust Account—State
Appropriation. $6,691,000
TOTAL APPROPRIATION . . . . . .((~~$178,222,000~~))
$178,708,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $878,000 of the general fund—state appropriation for fiscal year 2016, $878,000 of the general fund—state appropriation for fiscal year 2017, and $6,784,000 of the judicial information systems account—state appropriation are provided solely for the information network hub project.

(2) $516,000 of the judicial information systems account—state appropriation is provided solely for replacement of computer equipment, including servers, routers, and storage system upgrades.

(3) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(4) $1,849,000 of the judicial information systems account—state appropriation is provided solely for replacing computer equipment at state courts and state judicial agencies.

(5) $1,399,000 of the general fund—state appropriation for fiscal year 2016 and $1,399,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(6)(a) $7,313,000 of the general fund—state appropriation for fiscal year 2016 and $7,313,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2015-2017 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically

transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(7) ((~~$313,000~~)) $584,000 of the judicial information systems account—state appropriation is provided solely for the content management system for the appellate courts.

(8) $200,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for the office of public guardianship for the purpose of providing guardianship services to low income and indigent alleged or actual incapacitated persons who were receiving services on July 10, 2013.

(9) $118,000 of the judicial information systems account—state appropriation for fiscal year 2016 is provided solely for implementation of chapter 287, Laws of 2015 (Engrossed House Bill No. 1943).

(10) $75,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for the planning and design of a dependency court improvement demonstration program. The plan must be developed jointly with the one family one team public private partnership, with a private cash match of $75,000. If the cash match is not available by August 1, 2015, the administrative office of the courts will not be required to complete the planning and design of a dependency court improvement demonstration program. By January 1, 2016, the public private partnership shall provide to the appropriate committees of the legislature the program design, including ongoing administrative funding, and a statement of the public and private funding required in order to provide demonstration grants to up to four counties.

(11) $6,080,000 of the judicial information systems account—state appropriation for fiscal year 2016 is provided solely for continued implementation of the superior court case management system project.

(12) ((~~$6,518,000~~)) $7,010,000 of the judicial information systems account—state appropriation for fiscal year 2017 is provided solely for continued implementation of the superior court case management system. The steering committee for the superior court case management system, the office of administrator of the courts, and county clerks shall work with the case management system vendor to develop cost estimates for modifications to the superior court case management system to address security and document management concerns raised by county clerks. If the cost estimates are not provided to the fiscal committees of the legislature by January 1, 2016, the amounts provided in this subsection shall lapse. Furthermore, the amounts provided in this subsection shall lapse if the superior court case management system is not live and fully functional in Franklin, Thurston, and Yakima counties by February 1, 2016.

(13) The existing steering committee for the superior court case management system shall continue oversight responsibilities throughout the various phases of the project to include, but not be limited to, vendor management, contract and deliverable management, assuring reasonable satisfaction of the business and technical needs at the local level, receipt of stakeholder feedback, and communication between the various stakeholder groups and the judicial information systems committee. Issues of significant scope, schedule or budget changes, and risk mitigation strategies must be

escalated to the judicial information systems committee for consideration. In the event that a majority of the steering committee members cannot reach a decision, the issue must be escalated to the judicial information systems committee for consideration. The superior court case management system project steering committee may solicit input from user groups as deemed appropriate.

(14) The courts of limited jurisdiction case management system (CLJ-CMS) replacement project shall be guided by a project steering committee to provide project oversight throughout the various phases of the project to include, but not be limited to, vendor management, contract and deliverable management, assuring reasonable satisfaction of the business and technical needs at the local level, receipt of stakeholder feedback, and communication between the various stakeholder groups and the judicial information systems committee. The project steering committee shall be comprised of three members from the administrative office of the courts, two members from the district and municipal court judges association, three members from the district and municipal court management association, and two members from the misdemeanant corrections association. Issues of significant scope, schedule or budget changes, and risk mitigation strategies must be escalated to the judicial information systems committee for consideration. In the event that a majority of the project steering committee members cannot reach a decision, the issue must be escalated to the judicial information systems committee for consideration. The courts of limited jurisdiction case management system replacement project steering committee may solicit input from user groups as deemed appropriate.

(15) $3,789,000 of the judicial information systems account—state appropriation is provided solely for preparation and procurement activities related to the courts of limited jurisdiction case management system (CLJ-CMS) replacement project. The appropriations are further conditioned that the CLJ-CMS replacement project be funded entirely from judicial information system account funds in future biennia. The amounts provided in this subsection for the CLJ-CMS replacement project shall not be expended prior to January 1, 2016. In addition, if the following activities are not complete by the dates provided, no further funds appropriated in this subsection shall be expended on the CLJ-CMS replacement project.

(a) Beginning April 1, 2016, and each calendar quarter thereafter, quality assurance reports for the CLJ-CMS replacement project shall be provided to the office of chief information officer for review and for posting on its information technology project dashboard.

(b) No later than July 1, 2016, the CLJ-CMS replacement project steering committee shall provide a report to the legislature on the status of the procurement process for a CLJ-CMS replacement project, including an affirmation that the project is designed to meet the business processes and requirements of all thirty-nine counties. In addition, the report shall include a statement from each court of limited jurisdiction of its intended use of the new CLJ-CMS.

(c) No later than January 1, 2017, the judicial information system committee must approve the publication of a request for proposal for the CLJ-CMS replacement project.

(d) Prior to any CLJ-CMS replacement project steering committee recommendation to the judicial information system committee of a preferred

vendor and prior to the selection of an apparently successful vendor, the office of chief information officer must be allowed to review vendor submittals in response to the request for proposal. To better inform its selection, the office of chief information officer must provide to the CLJ-CMS replacement project steering committee an evaluation each vendor's proposed technology solution assessing its architecture, security, vendor experience and qualifications, project risks and risk management, and whether the technology solution represents the best value.

***Sec. 113 was partially vetoed. See message at end of chapter.**

Sec. 114. 2015 3rd sp.s. c 4 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund—State Appropriation (FY 2016) . . . . . ((~~$37,096,000~~))
$37,558,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$37,364,000~~))
$37,809,000

Judicial Stabilization Trust Account—State
Appropriation. $3,648,000

TOTAL APPROPRIATION . . . . . ((~~$78,108,000~~))
$79,015,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) $924,000 of the general fund—state appropriation for fiscal year 2016 and $462,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for parents representation program costs related to increased parental rights termination filings from the department of social and health services permanency initiative.

(3) $451,000 of the general fund—state appropriation for fiscal year 2016 and $915,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to increase payments for attorneys who contract with the office for indigent defense representation.

(4) $900,000 of the general fund—state appropriation for fiscal year 2016 and $900,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the purpose of improving the quality of trial court public defense services.

(5) $245,000 of the general fund—state appropriation for fiscal year 2016 and $320,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to implement chapter 117, Laws of 2015 (Second Substitute Senate Bill No. 5486). Funds must be used to maintain the current programs in Grays Harbor/Pacific, King, Kitsap, Pierce, Snohomish, Spokane, and Thurston/Mason counties; expand services in three of these locations; provide for program administration; and to fund the first stage of an evaluation of the program to determine if the parents for parents program can be considered evidence-based.

Sec. 115. 2015 3rd sp.s. c 4 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund—State Appropriation (FY 2016) . . . . . ((~~$12,560,000~~))
$12,842,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$12,818,000~~))
$13,088,000
General Fund—Private/Local Appropriation $150,000
Judicial Stabilization Trust Account—State
Appropriation. $1,463,000
TOTAL APPROPRIATION . . . . . ((~~$26,991,000~~))
$27,543,000

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed $40,000 of the general fund—state appropriation for fiscal year 2016 and an amount not to exceed $40,000 of the general fund—state appropriation for fiscal year 2017 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) $498,000 of the general fund—state appropriation for fiscal year 2016 and $499,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the child legal representation program. To achieve efficiencies and to manage within appropriated amounts, beginning January 1, 2016, the office is directed to implement the child legal representation program for children under RCW 13.34.100 using attorneys under contract directly with the office in a manner similar to the parents representation program at the office of public defense. The office must consult with counties, county courts, and the office of public defense prior to implementing this operational change.

Sec. 116. 2015 3rd sp.s. c 4 s 117 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund—State Appropriation (FY 2016) . . . . . ((~~$5,365,000~~))
$5,393,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$5,448,000~~))
$5,462,000
Economic Development Strategic Reserve Account—State
Appropriation. $4,000,000
TOTAL APPROPRIATION . . . . . ((~~$14,813,000~~))
$14,855,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $4,000,000 of the economic development strategic reserve account appropriation is provided solely for efforts to assist with currently active industrial recruitment efforts that will bring new jobs to the state or will retain headquarter locations of major companies currently housed in the state.

(2) $684,000 of the general fund—state appropriation for fiscal year 2016 and $684,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the office of the education ombuds.

Sec. 117. 2015 3rd sp.s. c 4 s 118 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund—State Appropriation (FY 2016) . . . . . ((~~$633,000~~)) $636,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$637,000~~)) $656,000

General Fund—Private/Local Appropriation $90,000

TOTAL APPROPRIATION . . . . . ((~~$1,360,000~~)) $1,382,000

Sec. 118. 2015 3rd sp.s. c 4 s 119 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund—State Appropriation (FY 2016) . . . . . ((~~$2,368,000~~)) $2,416,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$2,379,000~~)) $2,437,000

TOTAL APPROPRIATION . . . . . ((~~$4,747,000~~)) $4,853,000

Sec. 119. 2015 3rd sp.s. c 4 s 120 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund—State Appropriation (FY 2016) . . . . . ((~~$25,870,000~~)) $25,956,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$12,796,000~~)) $12,956,000

General Fund—Federal Appropriation . . . . . ((~~$7,577,000~~)) $7,576,000

Public Records Efficiency, Preservation, and Access Account—State Appropriation . . . . . ((~~$8,596,000~~)) $8,807,000

Charitable Organization Education Account—State Appropriation. $671,000

Local Government Archives Account—State Appropriation. . . . . ((~~$9,086,000~~)) $9,147,000

Election Account—Federal Appropriation . . . . . ((~~$8,865,000~~)) $4,387,000

Washington State Heritage Center Account—State Appropriation. . . . . ((~~$9,825,000~~)) $9,823,000

TOTAL APPROPRIATION . . . . . ((~~$83,286,000~~)) $79,323,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $3,301,000 of the general fund—state appropriation for fiscal year 2016 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state

measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) $2,682,000 of the general fund—state appropriation for fiscal year 2016 and $2,761,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2015-2017 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) $11,497,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for the 2016 presidential primary election.

(5) $3,000,000 of the Washington state heritage center account—state appropriation is provided solely for state library programs. If House Bill No. 2195 (auditor's fees) is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse. If the increase in auditor's fees generates less revenue than provided in this subsection, the secretary of state shall reduce expenditures so that amounts provided in this subsection do not exceed revenue generated from the increase in auditor's fees.

(6) $771,000 of the general fund—state appropriation for fiscal year 2016 and $772,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the state library to purchase statewide online access to the information technology academy to allow public access to online courses and learning resources through public libraries.

Sec. 120. 2015 3rd sp.s. c 4 s 121 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund—State Appropriation (FY 2016) . . . . . ((~~$264,000~~)) $266,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$273,000~~)) $274,000

TOTAL APPROPRIATION . . . . . ((~~$537,000~~)) $540,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 121. 2015 3rd sp.s. c 4 s 122 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2016) . . . . . ((~~$222,000~~)) $235,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$228,000~~)) $231,000

TOTAL APPROPRIATION . . . . . ((~~$450,000~~)) $466,000

Sec. 122. 2015 3rd sp.s. c 4 s 123 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account—State Appropriation. . . . . ((~~$16,753,000~~)) $16,829,000

The appropriation in this section is subject to the following conditions and limitations: $125,000 of the state treasurer's service account—state appropriation is provided solely for the implementation of Second Substitute House Bill No. 2063 (better life experience program). If the bill is not enacted by July 10, 2015, the amount provided in this subsection shall lapse.

***Sec. 123.** 2015 3rd sp.s. c 4 s 124 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund—State Appropriation (FY 2016) $14,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$31,000~~)) $633,000

State Auditing Services Revolving Account—State Appropriation. . . . . ((~~$9,711,000~~)) $9,739,000

Performance Audit of Government Account—State
Appropriation. $1,531,000
TOTAL APPROPRIATION . . . . . ((~~$11,287,000~~))
$11,917,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,531,000 of the performance audit of government account—state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(2) The legislature recognizes that changing technology has resulted in requests for electronic copies of records without corresponding changes in how the public records act allows for agencies to charge for those copies. The legislature recognizes the difficulty individual agencies face in determining the actual cost of providing both paper and electronic copies and finds it would be beneficial to agencies subject to the public records act, as well as requestors, to develop a standard and reasonable cost agencies may charge to provide records in either paper or electronic format. The state auditor shall, in consultation with the state chief information officer and attorney general, develop a methodology and conduct a study to establish an accurate cost estimate for providing paper and electronic copies of records in response to requests under the public records act. The state auditor shall also consult with local government agencies in developing and conducting the study. The state auditor shall report the results of this study to the legislature no later than March 1, 2016.

(3) Within the amounts appropriated in this section, the auditor shall conduct an audit by June 30, 2017:

(a) Of the Washington, Wyoming, Alaska, Montana, and Idaho (WWAMI) medical school located in Spokane to determine the cost per student of medical education and to show the cost per student by fund source;

(b) To determine the cost per student for students from WWAMI partner states other than Washington and whether any Washington state funds or Washington resident student tuition is used to subsidize students from WWAMI partner states; and

(c) To determine the planned per student cost of medical education and to show the cost per student by fund source for the Washington State University medical school program.

(4) Some local governments have combined fees for commercial solid waste collection services with fees for the collection of source-separated recyclable materials from commercial entities, establishing a single bundled rate charged to all ratepayers that purports to provide free recycling collection services to commercial entities. The state auditor is directed to:

(a) Investigate whether such bundled rates result in the imposition of the solid waste collection tax on services related to material collected primarily for recycling and salvage in violation of RCW 82.18.010(3);

(b) Assess (i) whether the bundled rates result in payment of fees by ratepayers for services that they may not receive or need, and (ii) the amount of such excess payments; and

(c) Assess whether ordinances establishing bundled rates result in de facto regulation of commercial source-separated recycling collection services by local governments in violation of state law.

(5) $600,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for a study on the Washington, Wyoming, Alaska, Montana, and Idaho medical school.

***Sec. 123 was partially vetoed. See message at end of chapter.**

Sec. 124. 2015 3rd sp.s. c 4 s 126 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund—State Appropriation (FY 2016) . . . . . ((~~$11,408,000~~)) $11,420,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$11,740,000~~)) $8,417,000

General Fund—Federal Appropriation $6,930,000

New Motor Vehicle Arbitration Account—State Appropriation . . . . . ((~~$1,039,000~~)) $1,041,000

Legal Services Revolving Account—State Appropriation . . . . . ((~~$225,029,000~~)) $227,558,000

Tobacco Prevention and Control Account—State Appropriation $273,000

Medicaid Fraud Penalty Account—State Appropriation $3,065,000

Public Service((~~s~~)) Revolving Account—State Appropriation . . . . . ((~~$2,217,000~~)) $2,220,000

Child Rescue Fund—State Appropriation $500,000

TOTAL APPROPRIATION . . . . . ((~~$262,201,000~~)) $261,424,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new *cy pres* awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) ((~~$2,228,000~~)) $2,218,000 of the public service revolving account—state appropriation is provided solely for the work of the public counsel section of the office of the attorney general.

(5) $353,000 of the general fund—state appropriation for fiscal year 2016 and $353,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a grant to the Washington coalition of crime victim advocates to provide training, certification, and technical assistance for crime victim service center advocates.

(6) $1,196,000 of the legal services revolving fund—state appropriation is provided solely for the implementation of chapter 70, Laws of 2015 (Second Substitute Senate Bill No. 5052) (cannabis patient protection).

(7) $14,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 240, Laws of 2015 (Substitute Senate Bill No. 5740) (extended foster care).

(8) $182,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 274, Laws of 2015 (Engrossed Substitute House Bill No. 1449) (oil transportation safety).

(9) $71,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1472 (chemical action plans), Second Substitute Senate Bill No. 5056 (safer chemicals/action plans), Substitute Senate Bill No. 6131 (safer chemicals), or any of these. If none of these bills are enacted by July 10, 2015, the amount provided in this subsection shall lapse.

(10) Pursuant to chapter 247, Laws of 2015 (Second Substitute House Bill No. 1281) (sexual exploitation of a minor), the office of the attorney general may expend $500,000 from the child rescue fund—state appropriation, or an amount not to exceed actual revenues into the account.

(11) $37,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Second Substitute House Bill No. 2726 (retirement communities). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(12) Appropriations in this section include specific funds for the implementation of Substitute Senate Bill No. 6160 (regulating motor vehicle airbags).

(13) $55,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Substitute Senate Bill No. 6360 (traffic fines consolidation). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

Sec. 125. 2015 3rd sp.s. c 4 s 127 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund—State Appropriation (FY 2016) . . . . . .((~~$1,378,000~~)) $1,397,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$1,454,000~~)) $1,460,000
TOTAL APPROPRIATION . . . . . ((~~$2,832,000~~)) $2,857,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $55,000 of the general fund—state appropriation for fiscal year 2016 and $55,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for Substitute Senate Bill No. 5999 (caseload forecast council). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse.

(2)(a) The caseload forecast council, in cooperation with the appropriate legislative committees and legislative staff, the office of financial management, the department of corrections, the department of social and health services, the administrative office of the courts, the minority and justice commission, the Washington state institute for public policy, the department of early learning, the student achievement council, the state board of education, the sentencing guidelines commission, and a person from communities at large deemed appropriate must develop recommendations for procedures and tools which will enable them to provide cost-effective racial and ethnic impact statements to legislative bills affecting criminal justice, human services, and education caseloads forecasted by the caseload forecast council. The recommendations for the racial and ethnic impact statements must be able to identify the positive and negative impacts on communities as a result of proposed or adopted legislation.

(b) The caseload forecast council shall submit a report to the governor and appropriate committees of the legislature on or before December 31, 2016, outlining recommendations for procedures and tools necessary to provide racial and ethnic impact statements to criminal justice, human services, and education caseloads, as well as outlining implementation cost estimates and potential funding sources.

(3) In addition to caseload forecasts for common schools as defined in RCW 43.88C.010(7), during the remainder of the 2015-2017 fiscal biennium the council must provide a separate forecast of enrollment for charter schools authorized by chapter 28A.710 RCW as amended by Engrossed Second Substitute Senate Bill No. 6194 (public schools other than common schools).

***Sec. 126.** 2015 3rd sp.s. c 4 s 128 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund—State Appropriation (FY 2016) . . . . . ((~~$60,162,000~~)) $60,049,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$61,103,000~~)) $63,568,000
General Fund—Federal Appropriation . . . . . ((~~$264,872,000~~)) $276,636,000
General Fund—Private/Local Appropriation . . . . . ((~~$8,149,000~~)) $8,162,000
Public Works Assistance Account—State Appropriation . . . . . ((~~$7,905,000~~))

$7,413,000
Drinking Water Assistance Administrative Account—State Appropriation . . . . . ((~~$487,000~~)) $490,000
Lead Paint Account—State Appropriation $181,000
Building Code Council Account—State Appropriation $15,000
Home Security Fund Account—State Appropriation . . . . . ((~~$26,493,000~~)) $35,023,000
Affordable Housing for All Account—State Appropriation. . . . . ((~~$12,023,000~~)) $13,860,000
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account—State Appropriation. $1,776,000
Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation. . . . . ((~~$2,149,000~~)) $2,148,000
Community and Economic Development Fee Account—State Appropriation. . . . . ((~~$2,980,000~~)) $3,193,000
Washington Housing Trust Account—State Appropriation. . . . . ((~~$12,692,000~~)) $12,703,000
Prostitution Prevention and Intervention Account—State Appropriation $45,000
Public Facility Construction Loan Revolving Account—State Appropriation . . . . . ((~~$791,000~~)) $794,000
Drinking Water Assistance Account—State . . . . . Appropriation$10,000
Liquor Revolving Account—State Appropriation $5,607,000
Energy Freedom Account—State Appropriation $472,000
Financial Services Regulation Account—State Appropriation. $468,000
Liquor Excise Tax Account—State Appropriation. $643,000
Recreation Access Pass Account—State Appropriation. $20,000
Economic Development Strategic Reserve Account—State Appropriation. . . . . ((~~$1,650,000~~)) $2,150,000
TOTAL APPROPRIATION . . . . . ((~~$470,673,000~~)) $495,426,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into

the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) $945,000 of the general fund—state appropriation for fiscal year 2016, ((~~$945,000~~)) $1,955,000 of the general fund—state appropriation for fiscal year 2017, and ((~~$12,541,000~~)) $14,493,000 of the home security fund—state appropriation are provided solely for the office of homeless youth prevention and protection programs, pursuant to chapter 69, Laws of 2015 (youth homelessness). Of the amounts provided in this subsection:

(a) $10,741,000 of the home security fund—state appropriation is provided solely for the department to contract for services pursuant to RCW 13.32A.030 and 74.15.220 as recodified in chapter 69, Laws of 2015 (youth homelessness). The department shall contract and collaborate with service providers in a manner that maintains the availability and geographic representation of secure and semi-secure crisis residential centers and HOPE centers. To achieve efficiencies and increase utilization, the department shall allow the co-location of these centers, except that a youth may not be placed in a secure facility or the secure portion of a co-located facility except as specifically authorized by chapter 13.32A RCW as recodified in chapter 69, Laws of 2015 (youth homelessness);

(b) $1,800,000 of the home security fund—state appropriation is provided solely for transitional housing assistance or partial payments for rental assistance under the independent youth housing program;

(c) $512,000 of the general fund—state appropriation for fiscal year 2016 and ((~~$511,000~~)) $1,311,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for street youth services. Of the amount appropriated for fiscal year 2017, $120,000 is provided solely for increasing services in south King county; ((~~and~~))

(d) $433,000 of the general fund—state appropriation for fiscal year 2016 and $434,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for administration of the office of homeless youth prevention and protection programs. The office must identify service gaps for youth and young adults who are homeless or at risk of homelessness. The office shall further lead efforts to improve data collection, help ensure services are available statewide, and assure that programs fulfill federal regulations and guidelines for preventing and ending youth homelessness((~~.~~));

(e) $1,028,000 of the home security fund—state appropriation is provided solely for the department to increase the number of contracted HOPE beds;

(f) $210,000 of the general fund—state appropriation for fiscal year 2017 and $210,000 of the home security fund—state appropriation are provided solely for the department to contract for services to provide shelter beds for young adults aged eighteen through twenty-four; and

(g) $714,000 of the home security fund—state appropriation is provided solely for the implementation of Second Substitute House Bill No. 2449 (truancy reduction) for ten crisis residential center beds as provided in the bill. If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(3) $500,000 of the general fund—state appropriation for fiscal year 2016 and $500,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a grant to resolution Washington to building statewide

capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(4) $306,000 of the general fund—state appropriation for fiscal year 2016 and $306,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a grant to the retired senior volunteer program.

(5) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(6) $375,000 of the general fund—state appropriation for fiscal year 2016 and $375,000 of the general fund—state appropriation for fiscal year 2017 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(7) $396,000 of the general fund—state appropriation for fiscal year 2016 and $396,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington new Americans program.

(8) $2,801,000 of the general fund—state appropriation for fiscal year 2016 and $2,801,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for associate development organizations. During the 2015-2017 fiscal biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

(9) ((~~$234,000 of the general fund—state appropriation for fiscal year 2016 and $233,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington asset building coalitions.~~

~~(10)~~)) $5,607,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(((~~(11)~~))) (10) $2,000,000 of the Washington housing trust account—state appropriation and $1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families through the Washington youth and families fund.

(((~~(12)~~))) (11) $5,000,000 of the home security account—state appropriation is provided solely for the department of commerce to provide emergency assistance to homeless families in the temporary assistance for needy families program.

(((~~(13)~~))) (12) $700,000 of the general fund—state appropriation for fiscal year 2016 and $700,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. For each dollar expended the department must receive a one hundred percent match. The match may be provided by the department through nongeneral fund sources, or any partnering governments or organizations. Sector leads established by the department must include the industries of: (a) Tourism; (b)

agriculture, wood products, and other natural resource industries; and (c) clean technology and renewable and nonrenewable energy. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

(((~~(14)~~))) (13) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than $1,000,000 per year.

(((~~(15)~~))) (14) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(((~~(16)~~))) (15) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(((~~(17)~~))) (16) $546,000 of the general fund—state appropriation for fiscal year 2016 and $512,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 68, Laws of 2015 (agricultural labor skills and safety).

(((~~(18)~~))) (17) $256,000 of the general fund—state appropriation for fiscal year 2016 and $268,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 296, Laws of 2015 (small business retirement marketplace).

(((~~(19)~~))) (18) $1,677,000 of the financial fraud and identity theft crimes investigation and prosecution account—state appropriation is provided solely for implementation of chapter 65, Laws of 2015 (financial fraud and identity theft).

(((~~(20) Within existing resources, the department of commerce shall examine the effects of incompatible land use surrounding military installations within Washington state and conduct a comparative analysis of best practices from other states to mitigate conflicts between local jurisdictions and neighboring military installations due to incompatible land use. The department shall submit its analysis to the governor and the appropriate committees of the legislature by November 1, 2016.~~)))

(19) $98,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the department of commerce to examine the effects of incompatible land use surrounding military installations within Washington state, and conduct a comparative analysis of best practices from other states to mitigate conflicts between local jurisdictions and neighboring military installations due to incompatible land use. The department of commerce must submit its analysis to the governor and the appropriate committees of the legislature by December 1, 2016.

(((~~(21)~~))) (20) $175,000 of the general fund—state appropriation for fiscal year 2016 and $175,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the expansion of the long-term care ombuds program to meet the immediate needs of individuals by advocating on behalf of and protecting residents of long-term care facilities from abuse, neglect, and exploitation.

(((~~(22)~~))) (21) $47,000 of the general fund—state appropriation for fiscal year 2016 and $47,000 of the general fund—state appropriation for fiscal year 2017

are provided solely for implementation of chapter 273, Laws of 2015 (trafficking of persons).

(((~~(23)~~))) (22) $41,000 of the general fund—state appropriation for fiscal year 2016 and $41,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 101, Laws of 2015 (trafficking of persons training).

(((~~(24)~~))) (23) $468,000 of the financial services regulation account—state appropriation is provided solely for the family prosperity account program.

(((~~(25)~~))) (24) $472,000 of the energy freedom account—state appropriation is provided solely for the energy office within the department of commerce.

(((~~(26)~~))) (25) $11,000 of the general fund—state appropriation for fiscal year 2016 and $11,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 9, Laws of 2015 1st sp. sess. (industrial/manufacturing facilities).

(((~~(27)~~))) (26) Within existing resources, the department of commerce shall consult with key crime victim services stakeholders to inform decisions about the funding distribution for federal fiscal years 2015-2017 victims of crime act victim assistance funding. These stakeholders must include, at a minimum, children's advocacy centers of Washington, Washington association of prosecuting attorneys, Washington association of sheriffs and police chiefs, Washington coalition against domestic violence, Washington coalition of sexual assault programs, Washington coalition of crime victim advocates, at least one representative from a child health coalition, and other organizations as determined by the department. Funding distribution considerations shall include, but are not limited to, geographic distribution of services, underserved populations, age of victims, best practices, and the unique needs of individuals, families, youth, and children who are victims of crime.

(((~~(28)~~))) (27) $250,000 of the general fund—state appropriation for fiscal year 2016 and $250,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for grants to local governments, nonprofit organizations, and associate development organizations to assist workers and communities adversely impacted by recent closures of timber mills and forest product manufacturing facilities in Mason county. Funds may be used for workforce and economic development activities, including public infrastructure projects that will increase employment opportunities in the county.

(((~~(29)~~))) (28) $643,000 of the liquor excise tax account—state appropriation is provided solely for the department of commerce to provide fiscal note assistance to local governments.

(((~~(30)~~))) (29) $80,000 of the general fund—state appropriation for fiscal year 2016 and $80,000 of the general fund—state appropriation for fiscal year 2017 is provided solely as a grant to Klickitat county for a land use planner to process a backlog of permits that have not been processed by the Columbia river gorge commission due to lack of funds.

(((~~(31)~~))) (30) $50,000 of the general fund—state appropriation for fiscal year 2016 and $50,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to plan and develop a regional approach in southwest King county to provide day and hygiene shelter services to homeless populations. The plan will identify appropriate partners and a service model to meet regional needs; evaluate the establishment of a facility or facilities to provide day and

hygiene services; and within the amounts provided work with existing providers to expand existing services to provide day and hygiene shelter services.

((~~(32)~~)) (31) $100,000 of the general fund—state appropriation for fiscal year 2016 and $100,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for grants to Safe Yakima Valley and ((~~Associated Ministries~~)) Safe Streets of Tacoma to coordinate community efforts for the prevention of alcohol, tobacco, drug use and violence.

((~~(33)~~)) (32) Within the amounts provided, the public works board may expend up to $250,000 of the public work assistance account—state appropriation for development of a curriculum and online delivery system in cooperation with the state board for community and technical colleges for public works managers.

((~~(34)~~)) (33) $500,000 of the public works assistance account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5624 (financing essential public infrastructure). If Engrossed Senate Joint Resolution No. 8204 is not ratified at the November 2015 general election, the amount provided in this subsection shall lapse.

((~~(35)~~)) (34) The department must convene a work group of interested stakeholders to review the state's deed of trust act contained in Title 61 RCW. The work group should include, but not be limited to, representatives from financial institutions, loan servicing and trustee service companies, and advocacy groups representing homeowners and borrowers. The work group is tasked to review and make recommendations to ensure that the act remains a workable system for financial institutions, loan servicing companies, trustee, homeowners, and borrowers. A report on the review and recommendations is due to the governor and legislature by December 1, 2015. Up to $20,000 from the foreclosure fairness account may be used to defray the department's costs for convening and providing administrative and technical support to the work group.

((~~(36)~~)) (35) $5,000 of the general fund—state appropriation for fiscal year 2016 and $45,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the department to contract with the University of Washington women's center to conduct a study to research supply chain policies related to labor practices of small, medium, and large businesses. The study shall analyze whether or not there is a correlation between supply chain management practices that protect workers from human trafficking and unsafe working conditions and higher shareholder value and/or market share. The study will examine the impact of corporate sourcing practices in social media feedback and in customer satisfaction. The study shall provide case studies and best practices in ethical sourcing practices that protect workers. The study shall recommend how to evaluate and monitor supply chain management related to labor and vendor management practices of companies without bias. The study shall make recommendations on how the state can design legislation on global ethical sourcing practices that is comprehensive, pragmatic and enforceable. The study shall be presented to the house and senate commerce and labor committees no later than January 31, ((~~2016~~)) 2017.

((~~(37)~~)) (36) $300,000 of the general fund—state appropriation for fiscal year 2016 and $300,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the northwest agriculture business center.

(37) $572,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Substitute House Bill No. 2323 (achieving a better life experience program). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(38) $105,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Senate Bill No. 6166 (incremental energy). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(39) $4,782,000 of the home security fund—state appropriation and $1,838,000 of the affordable housing for all account—state appropriation are provided solely for the consolidated homeless grant.

(40) $693,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6564 (protections for persons with developmental disabilities). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(41) $787,000 of the home security fund—state appropriation is provided solely for the consolidated homeless grant for youth specific programs and services.

(42) $150,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the regulatory roadmap program for the construction industry.

(43) $500,000 of the economic development strategic reserve account—state appropriation is provided solely for the department to provide grants to local governments to assist a county or city east of the Cascades in paying for the cost of preparing an environmental analysis that advances environmental permitting activities in and around current and future large manufacturing sites and other key economic growth centers.

(44) $20,000 of the recreational access pass account—state appropriation is provided solely as a grant to Skamania county for court costs related to processing discover pass violations. If the rate of discover pass violations dismissed in Skamania county during the 2015-2017 fiscal biennium exceeds twelve percent, the funding in this subsection shall lapse.

(45) $50,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Engrossed Senate Bill No. 6100 (economic gardening pilot program). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(46) $1,000,000 of the home security fund—state appropriation is provided solely for implementation of section 3 of Third Substitute House Bill No. 1682 (homeless students). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(47) $23,000 of the general fund—state appropriation for fiscal year 2017 and $437,000 of the Washington sexual assault kit account are provided solely for implementation of Second Substitute House Bill No. 2530 (victims of sex crimes). If the bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(48) $50,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the department of commerce to study, directly or through contract, the retirement preparedness of Washington residents based on region,

age, race, type of employment, and income. The report shall include estimates on impact on the state and local communities of any shortfalls in retirement savings or income, including on public budgets from a loss of economic activity by seniors. The report shall be provided to the appropriate committees of the legislature by June 30, 2017.

(49) $76,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Substitute House Bill No. 2711 (sexual assault nurses). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(50) $197,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Second Substitute House Bill No. 2791 (WA statewide reentry council). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

***Sec. 126 was partially vetoed. See message at end of chapter.**

Sec. 127. 2015 3rd sp.s. c 4 s 129 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund—State Appropriation (FY 2016) . . . . . ((~~$802,000~~)) $805,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$870,000~~)) $888,000

Lottery Administrative Account—State Appropriation $50,000

TOTAL APPROPRIATION . . . . . ((~~$1,722,000~~)) $1,743,000

***Sec. 128.** 2015 3rd sp.s. c 4 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund—State Appropriation (FY 2016) . . . . . ***((~~$19,280,000~~)) $12,256,000***

General Fund—State Appropriation (FY 2017) . . . . . ***((~~$19,623,000~~)) $13,215,000***

General Fund—Federal Appropriation . . . . . ((~~$38,321,000~~)) $38,822,000

General Fund—Private/Local Appropriation $498,000

Economic Development Strategic Reserve Account—State Appropriation $310,000

Personnel Service Fund—State Appropriation . . . . . ((~~$8,609,000~~)) $8,696,000

Higher Education Personnel Services Account—State Appropriation $1,497,000

Performance Audits of Government Account—State Appropriation . . . . . ((~~$536,000~~)) $534,000

Statewide Information Technology System Development Revolving Account—State Appropriation $15,799,000

Office of Financial Management Central Service Account—State Appropriation $14,610,000

TOTAL APPROPRIATION . . . . . ((~~$104,654,000~~))

$106,237,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section represent a transfer of expenditure authority of $2,333,000 of the general fund—federal appropriation for fiscal year 2016 and $1,782,000 of the general fund—federal appropriation for fiscal year 2017 to the office of financial management to implement Engrossed Substitute Senate Bill No. 5084 (all payer claims database).

(2) $13,799,000 of the statewide information technology system development revolving account—state appropriation is provided solely for prepayment of the debt service for the time, leave, and attendance system. The enterprise time, leave, and attendance project shall be discontinued, but the office and other state agencies may utilize acquired project assets for other purposes to the extent practicable.

(3) $50,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1491 (early care and education system). If the bill is not enacted by July 10, 2015, the amount provided in this subsection shall lapse.

(4) $33,000 of the general fund—state appropriation for fiscal year 2017 is provided one time solely to implement chapter 244, Laws of 2015 (college bound scholarship).

(5) $168,000 of the general fund—state appropriation for fiscal year 2016 and $163,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to implement chapter 245, Laws of 2015 (outdoor recreation).

(6)(a) Within funds appropriated in this section, the education data center created in RCW 43.41.400 shall complete an evaluation of the state need grant and submit a report to the appropriate committees of the legislature by December 1, 2016. To the extent it is not duplicative of other studies, the report shall evaluate educational outcomes emphasizing degree completion rates at the postsecondary levels. The report shall study certain aspects of the state need grant program, including but not limited to:

(i) State need grant recipient grade point average and its relationship to positive outcomes, including but not limited to:

(A) Variance between community and technical colleges and the four-year institutions of higher education;

(B) Variance between state need grant recipients and students on the state need grant unserved waiting list; and

(C) Differentials between quarter or semester grade point averages and cumulative grade point averages.

(ii) Possible outcomes of requiring a minimum grade point average, per semester or quarter or cumulatively, for state need grant renewal.

(b) Beginning July 1, 2016, the student achievement council and all institutions of higher education eligible to participate in the state need grant shall ensure that data needed to analyze and evaluate the effectiveness of the state need grant program are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of state need grant recipients;

(ii) The number of students on the unserved waiting list of the state need grant;

(iii) Persistence and completion rates of state need grant recipients and students on the state need grant unserved waiting list, disaggregated by institutions of higher education;

(iv) State need grant recipients and students on state need grant unserved waiting list grade point averages; and

(v) State need grant program costs.

(c) The student achievement council shall submit student unit record data for the state need grant program applicants and recipients to the education data center.

(7) $250,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for a contract with a consultant to examine the current configuration and financing of the state hospital system pursuant to Engrossed Second Substitute House Bill No. 2453 (state hospital oversight) or Substitute Senate Bill No. 6656 (state hospital practices).

(8) $50,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the office of financial management to convene a work group including local governments, relevant state agencies, and legislators to develop a local government infrastructure investment strategy.

(a) The strategy must:

(i) Identify state policy objectives related to local infrastructure investment;

(ii) Identify existing state, local, and federal sources of funding for local infrastructure systems, including drinking water, wastewater, storm water, and community facilities;

(iii) Identify resource gaps and assess potential new investment and revenue tools to fill those gaps, including, but not limited to: Issuing state bonds, outside the debt limit, for infrastructure loans with debt service repaid by local governments; pooled bonding; public-private partnerships; and investment incentives; and

(iv) Evaluate a mixture of infrastructure investments to be funded at both the state and local levels.

(b) The work group must include representatives of the department of ecology, the department of health, the public works board, the department of commerce, local governments, and the office of the state treasurer. The work group must also include two members of the house of representatives, one from each major caucus, appointed by the speaker of the house of representatives, and two members of the senate, one from each major caucus, appointed by their respective caucus leaders.

(c) A report outlining the local government investment strategy must be submitted to the governor and the appropriate committees of the legislature by October 31, 2016, along with draft legislation and budget proposals for consideration during the 2017 legislative session.

(9) $150,000 of the general fund—state appropriation for fiscal year 2016 and $150,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the cost to support the blue ribbon commission on delivery of services to children and families established by the governor's executive order 16-03. The commission shall develop recommendations on whether to create a

separate state department of children and families, including a mission and vision for the new department, new organization structures, estimated costs, transition plans, and benchmarks for assessing the improvements in outcomes for children and families expected to result from the reorganization, including the metrics to measure those short and long-term expected outcomes, and the expected impact on total administrative costs among the involved state agencies. The commission shall produce recommendations no later than November 1, 2016.

(10) Within the amounts appropriated in this section, the office of financial management, with the assistance of the department of enterprise services, department of commerce, and office of the state treasurer, shall develop a proposal for the purchase of the Pacific tower from the Pacific hospital preservation and development authority. The proposal must assume the purchase will be financed by state general obligation indebtedness. The office may propose to include other forms of financing if it is determined by the office of the state treasurer that other alternatives are feasible and financially beneficial for the state. The proposal should also quantify the fair market value of the property using available information on the current condition and value of the building and should quantify the portion of the fair market value attributable to capital improvements to the property paid or to be paid with state funds. The office's facilities oversight program must use the information to perform a life-cycle cost analysis of the building and identify opportunities to locate state agencies with leases within King county in Pacific tower to reduce the state's lease costs. The proposal is due to the governor and the legislative fiscal committees by December 1, 2016, for consideration in the 2017-2019 capital budget process to purchase the Pacific tower.

***Sec. 128 was partially vetoed. See message at end of chapter.**

Sec. 129. 2015 3rd sp.s. c 4 s 131 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account—State
Appropriation. . . . . .((~~$38,458,000~~))
$38,426,000

Sec. 130. 2015 3rd sp.s. c 4 s 132 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account—State
Appropriation. . . . . .((~~$28,427,000~~))
$28,797,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $690,000 of the lottery administrative account—state appropriation is provided solely for the replacement of the lottery's gaming systems vendor contract.

(2) No portion of this appropriation may be used for acquisition of gaming system capabilities that violates state law.

(3) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce by $6,000,000 each fiscal year the total amount of

compensation paid to licensed lottery sales agents. It is anticipated that the result of this action will reduce retail commissions to an average of 5.1 percent of sales.

Sec. 131. 2015 3rd sp.s. c 4 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund—State Appropriation (FY 2016) . . . . . ((~~$248,000~~)) $260,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$257,000~~)) $259,000

TOTAL APPROPRIATION . . . . . ((~~$505,000~~)) $519,000

Sec. 132. 2015 3rd sp.s. c 4 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2016) . . . . . ((~~$250,000~~)) $254,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$252,000~~)) $260,000

TOTAL APPROPRIATION . . . . . ((~~$502,000~~)) $514,000

Sec. 133. 2015 3rd sp.s. c 4 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Account—State Appropriation . . . . . .((~~$55,329,000~~)) $58,790,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $25,000 of the department of retirement systems expense account—state appropriation is provided solely to implement chapter 78, Laws of 2015 (SHB 1194).

(2) $42,000 of the department of retirement systems expense account—state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5873 (LEOFF 1 survivor option). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(3) $136,000 of the department of retirement systems expense account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6264 (annuity purchases). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(4) $7,000 of the department of retirement systems expense account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6523 (emergency medical services). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(5) $90,000 of the department of retirement systems expense account—state appropriation is provided solely for the implementation of Engrossed Senate Bill

No. 6455 (substitute teachers). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(6) $308,000 of the department of retirement systems expense account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5435 (optional salary deferral program). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

***Sec. 134.** 2015 3rd sp.s. c 4 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund—State Appropriation (FY 2016) . . . . . ***((~~$119,358,000~~))***
$105,475,000

General Fund—State Appropriation (FY 2017) . . . . . ***((~~$120,551,000~~))***
$110,470,000

Financial Services Regulation Account—State Appropriation . . . . . ((~~$5,000,000~~))
$10,000,000

Timber Tax Distribution Account—State Appropriation . . . . . ((~~$6,556,000~~))
$6,604,000

Waste Reduction/Recycling/Litter Control—State Appropriation $141,000

State Toxics Control Account—State Appropriation $101,000

Business License Account—State Appropriation . . . . . ((~~$24,315,000~~))
$24,590,000

Performance Audits of Government Account—State Appropriation ***$10,000,000***

TOTAL APPROPRIATION . . . . . ((~~$276,022,000~~))
$267,381,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~$5,740,000 of the general fund—state appropriation for fiscal year 2016, $5,741,000~~)) $5,628,000 of the general fund—state appropriation for fiscal year 2017, and ((~~$11,481,000~~)) $7,890,000 of the business license account—state appropriation are provided solely for the taxpayer legacy system replacement project.

(2) $487,000 of the general fund—state appropriation for fiscal year 2016 and $582,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of Substitute Senate Bill No. 5186 (disabled veterans and seniors). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse.

(3) $60,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Substitute Senate Bill No. 6211 (nonprofit homeownership development). If the bill is not enacted by June 30, 2016, the amount in this subsection shall lapse.

(4) $10,000 of the fiscal year 2016 general fund—state appropriation is provided solely for the administrative costs of the department of revenue to exercise its statutory authority under chapter 82.32 RCW to enter into closing agreements with any person to waive unpaid penalties on taxes due under

RCW 82.04.2907, for all periods open for assessment under chapter 82.32 RCW beginning on or after June 1, 2010, through June 30, 2016, if paid by October 1, 2016.

(5) $21,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6328 (vapor products). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

***Sec. 134 was partially vetoed. See message at end of chapter.**

Sec. 135. 2015 3rd sp.s. c 4 s 137 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund—State Appropriation (FY 2016) . . . . . ((~~$1,269,000~~)) $1,321,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$1,286,000~~)) $1,303,000

TOTAL APPROPRIATION . . . . . ((~~$2,555,000~~)) $2,624,000

Sec. 136. 2015 3rd sp.s. c 4 s 138 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account—State Appropriation . . . . . ((~~$4,730,000~~)) $4,889,000

Sec. 137. 2015 3rd sp.s. c 4 s 139 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund—State Appropriation (FY 2016) $300,000

General Fund—State Appropriation (FY 2017) $227,000

General Fund—Federal Appropriation . . . . . ((~~$4,572,000~~)) $4,571,000

Insurance Commissioners Regulatory Account—State Appropriation . . . . . ((~~$54,415,000~~)) $55,772,000

TOTAL APPROPRIATION . . . . . ((~~$59,514,000~~)) $60,870,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $168,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of chapter 17, Laws of 2015 (HB 1172).

(2) $129,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of chapter 63, Laws of 2015 (HB 1077).

(3) $272,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of chapter 122, Laws of 2015 (SB 5717).

(4) $25,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of chapter 19, Laws of 2015 (SSB 5023).

(5) $283,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of House Bill No. 2326 (independent review organizations). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(6) $143,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Senate Bill No. 5180 (life insurance reserves). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(7) $797,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Fifth Engrossed Substitute Senate Bill No. 5857 (pharmacy benefit managers). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

Sec. 138. 2015 3rd sp.s. c 4 s 140 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account—State Appropriation. . . . . ((~~$42,452,000~~)) $42,568,000

Sec. 139. 2015 3rd sp.s. c 4 s 141 (uncodified) is amended to read as follows:

FOR THE LIQUOR AND CANNABIS BOARD

Dedicated Marijuana Fund—State Appropriation (FY 2016). . . . . ((~~$7,367,000~~)) $7,736,000

Dedicated Marijuana Fund—State Appropriation (FY 2017). . . . . ((~~$7,821,000~~)) $8,481,000

Liquor Revolving Account—State Appropriation . . . . . ((~~$64,008,000~~)) $66,830,000

General Fund—Federal Appropriation. . . . . ((~~$2,822,000~~)) $2,821,000

General Fund—State Appropriation (FY 2017) $260,000

General Fund—Private/Local Appropriation $25,000

TOTAL APPROPRIATION . . . . . ((~~$82,043,000~~)) $86,153,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $2,183,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and $2,818,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for implementation of Substitute House Bill No. 2136 (marijuana market reforms) and Second Substitute Senate Bill No. 5052 (cannabis patient protection). If either bill is not enacted by July 10, 2015, the amount provided in this subsection shall lapse.

(2) $376,000 of the liquor revolving fund—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5280 (beer and cider

sales). If the bill is not enacted by July 10, 2015, the amount provided in this subsection shall lapse.

(3) $2,641,000 of the liquor revolving account—state appropriation is provided solely for additional cigarette and tobacco enforcement. The liquor control board must provide additional cigarette and tobacco enforcement officers and pursue strategies to reduce the amount of smuggled, contraband, and otherwise untaxed cigarette and tobacco products in the state. The liquor control board must report the amount of untaxed cigarette and tobacco taxes recovered in comparison to past years to the appropriate committees of the legislature by January 1, 2016, and January 1, 2017.

(4) $366,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Substitute House Bill No. 2831 (small business liquor sales). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(5) The appropriations in this section include sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 6470 (wineries).

(6) $260,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6238 (vapor products). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(7) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

Sec. 140. 2015 3rd sp.s. c 4 s 142 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund—State Appropriation (FY 2016) $176,000
General Fund—Private/Local Appropriation . . . . . ((~~$11,324,000~~))
$16,326,000
Public Service Revolving Account—State
Appropriation. . . . . ((~~$39,041,000~~))
$36,724,000
Pipeline Safety Account—State Appropriation . . . . . ((~~$2,050,000~~))
$3,286,000
Pipeline Safety Account—Federal Appropriation $2,981,000
TOTAL APPROPRIATION . . . . . ((~~$55,572,000~~))
$59,493,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall work with the Idaho public utilities commission and the public utility commission of Oregon to identify common regulatory functions that can be performed jointly, with the goal of formalizing an agreement that protects essential services while increasing regulatory effectiveness and efficiencies through economies of scale. The commission is authorized to enter into an agreement with such other state public utility commissions to work jointly in administering specified respective regulatory functions.

(2) $2,849,000 of the public service revolving account—state appropriation is provided solely for implementation of chapter 274, Laws of 2015 (Engrossed Substitute House Bill No. 1449) (oil transportation safety).

(3) $176,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for the energy facility site evaluation council to conduct a study on the siting of small modular reactors in Washington.

(a) The study must include the following: (i) Identification of possible locations in the state where small modular reactors could be suitably located; (ii) identification of permits and studies that would need to be conducted in order to facilitate the siting of small modular reactors; and (iii) recommendations on how the siting and permitting process could be streamlined for small modular reactors.

(b) The energy facility site evaluation council shall report its findings and recommendations to the appropriate committees of the legislature and the governor by December 1, 2015.

(c) The energy facility site evaluation council may contract for services to assist in the study.

(d) For purposes of this subsection, "small modular reactor" means a scalable nuclear power plant using reactors that each have a gross power output no greater than three hundred megawatts electric, and where each reactor is designed for factory manufacturing and ease of transport, such as by truck, rail, or barge.

(4) $226,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6248 (transition of coal units). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

Sec. 141. 2015 3rd sp.s. c 4 s 143 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation (FY 2016) $3,386,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$3,417,000~~))
$3,654,000
General Fund—Federal Appropriation . . . . . ((~~$136,393,000~~))
$136,380,000
Enhanced 911 Account—State Appropriation . . . . . ((~~$57,917,000~~))
$56,594,000
Disaster Response Account—State Appropriation . . . . . ((~~$21,749,000~~))
$41,383,000
Disaster Response Account—Federal Appropriation . . . . . ((~~$75,870,000~~))
$107,317,000
Military Department Rent and Lease Account—State Appropriation $615,000
Worker and Community Right-to-Know Account—State Appropriation . . . . . ((~~$2,886,000~~))
$2,888,000
Oil Spill Prevention Account—State Appropriation $1,000,000
TOTAL APPROPRIATION . . . . . ((~~$303,233,000~~))
$353,217,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~Appropriations from the disaster response account state appropriation and the disaster response account federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management.~~)) The military department shall submit a report to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2015-2017 biennium based on current revenue and expenditure patterns.

(2) $60,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) $1,000,000 of the oil spill prevention account—state appropriation is provided solely for implementation of chapter 274, Laws of 2015 (Engrossed Substitute House Bill No. 1449) (oil transportation safety).

(4) $100,000 of the general fund—state appropriation for fiscal year 2016 and $100,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the conditional scholarship program pursuant to chapter 28B.103 RCW.

(5) $5,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties to replace analog 911 telephone and network equipment with next generation 911 capable technology.

(6) $1,850,000 of the disaster response account—state appropriation is provided solely to Okanogan and Ferry counties to address deficiencies within their communications infrastructure for 911 dispatch. Funds will be used to replace failing radio dispatching hardware within 911 dispatch centers; build interoperable communications between each county's dispatch center such that each can serve as a back-up to the other; and build upon the existing wireless microwave network for 911 calls, dispatch centers, and first responder radio operations. Prior to releasing any state funds, the department will consult with the counties to determine if federal funds are available for any proposed expenditure and assist the counties with any application for such funds.

(7) $130,000 of the enhanced 911 account—state appropriation is provided solely for the department to conduct a pilot program within King county to implement a mobile phone application that notifies persons trained in cardiopulmonary resuscitation of persons nearby who are having a cardiac emergency. The department may partner with the county, a city, a fire district, or a search and rescue organization for purposes of implementing the application and software-as-a-service in an existing computer-aided dispatch system. The department will report the results of the pilot program to the legislature by December 1, 2016.

(8) $5,679,000 of the enhanced 911 account—state appropriation is provided solely for transitioning to an internet protocol based next generation 911 network and increased network costs during the transition and hardware

required for the new system. The department's activities and procurement is a major information technology project subject to oversight and review by the office of the chief information officer.

(9) $392,000 of the disaster response account—state appropriation is provided solely for fire suppression training and equipment to national guard soldiers and airmen.

Sec. 142. 2015 3rd sp.s. c 4 s 144 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund—State Appropriation (FY 2016) . . . . . ((~~$1,845,000~~)) $1,868,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$1,944,000~~)) $2,025,000

Higher Education Personnel Services Account—State Appropriation. . . . . ((~~$1,143,000~~)) $1,209,000

Personnel Service Account—State Appropriation . . . . . ((~~$3,577,000~~)) $3,629,000

TOTAL APPROPRIATION . . . . . ((~~$8,509,000~~)) $8,731,000

Sec. 143. 2015 3rd sp.s. c 4 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account—State Appropriation. . . . . ((~~$6,095,000~~)) $6,117,000

The appropriation in this section is subject to the following conditions and limitations: $3,300,000 of the certified public accountants' account—state appropriation is provided solely for deposit into the certified public accounting transfer account to fund Washington-based colleges and universities for students pursuing degrees in accounting or taxation as provided in chapter 215, Laws of 2015 (Substitute Senate Bill No. 5534).

Sec. 144. 2015 3rd sp.s. c 4 s 146 (uncodified) is amended to read as follows:

FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account—State Appropriation . . . . . ((~~$500,000~~)) $502,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $250,000 of the death investigations account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(2) $210,000 of the death investigations account appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

Sec. 145. 2015 3rd sp.s. c 4 s 147 (uncodified) is amended to read as follows:

FOR THE HORSE RACING COMMISSION

Horse Racing Commission Operating Account—State Appropriation. . . . . ((~~$3,654,000~~)) $3,665,000

Sec. 146. 2015 3rd sp.s. c 4 s 148 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund—State Appropriation (FY 2016) . . . . . ((~~$2,874,000~~)) $2,769,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$3,585,000~~)) $3,466,000

General Fund—Private/Local Appropriation $102,000

Building Code Council Account—State Appropriation . . . . . ((~~$1,256,000~~)) $1,022,000

Dedicated Marijuana Account—State Appropriation (FY 2016). $95,000

TOTAL APPROPRIATION . . . . . ((~~$7,912,000~~)) $7,454,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~$2,537,000~~)) $2,432,000 of the general fund—state appropriation for fiscal year 2016, ((~~$3,243,000~~)) $3,138,000 of the general fund—state appropriation for fiscal year 2017, and $1,584,000 from the fee charged to master contract vendors are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, joint legislative systems committee, and office of support services. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2016 and 2017 as necessary to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal

monthly installments $893,000 in fiscal year 2016 and $1,599,000 in fiscal year 2017.

(5) $95,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2136 (marijuana market reforms). If the bill is not enacted by July 10, 2015, the amount provided in this subsection shall lapse.

(6) $4,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for a student capital campus improvement competition. To be eligible, a student must be enrolled in a community or technical college. The department shall administer the competition, establish criteria for evaluating student proposals, and provide a grant award to the student that presents the best design for the installation of a functional, accurate, and aesthetic gnomon for the state's capital campus sundial.

Sec. 147. 2015 3rd sp.s. c 4 s 149 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers'
Administrative Account—State Appropriation . . . . . ((~~$1,013,000~~))
$1,011,000

Sec. 148. 2015 3rd sp.s. c 4 s 150 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund—State Appropriation (FY 2016) . . . . . ((~~$1,363,000~~))
$1,369,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$1,390,000~~))
$1,395,000
General Fund—Federal Appropriation $2,122,000
General Fund—Private/Local Appropriation $14,000
TOTAL APPROPRIATION . . . . . ((~~$4,889,000~~))
$4,900,000

The appropriations in this section are subject to the following conditions and limitations: $121,000 of the general fund—state appropriation for fiscal year 2016 and $121,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington main street program.

Sec. 149. 2015 3rd sp.s. c 4 s 151 (uncodified) is amended to read as follows:

FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY

General Fund—State Appropriation (FY 2016) $1,000,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$450,000~~))
$428,000
Consolidated Technology Services Revolving
Account—State Appropriation . . . . . ((~~$7,368,000~~))
$7,366,000
TOTAL APPROPRIATION . . . . . ((~~$8,818,000~~))
$8,794,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures shall include the following: The agency's priority ranking of each information technology request; the estimated cost for the current biennium; the estimated total cost of the request over all biennia; and the expected timeline to complete the request. The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(2) $550,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for the office of the chief information officer to develop a statewide strategic business and technology architecture plan for time capture, payroll and payment processes, and eligibility and authorization processes for the department of early learning. In collaboration with the department of early learning the plan will identify and recommend whether existing systems, or planned systems, can and should be used to meet the department of early learning's business needs. A child care attendance and billing solution must be designed or modified to align with the statewide enterprise strategy once the strategic architecture is established. The plan shall be completed and delivered to the appropriate committees of the legislature by December 1, 2015.

(3) $450,000 of the general fund—state appropriation for fiscal year 2016 and (($~~$450,000~~$)) $428,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to the office of the chief information officer for statewide technical oversight of information technology projects (($~~for time capture, payroll and payment processes, and eligibility and authorization processes. The office of the chief information officer shall identify where existing or proposed technology investments should be consolidated, identify when existing or proposed technology investments can be reused or leveraged to meet multi-agency needs, increase interoperability between agencies, and identify how redundant investments can be reduced overtime.~~$)) or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, and eligibility, case management and authorization systems within the department of social and health services, the department of health, the department of early learning, and the health care authority. As part of the technical oversight, the office of the chief information officer shall identify where existing or proposed technology investments should be consolidated, reused, or otherwise leveraged to meet multiagency needs or increase interoperability, increase alignment with statewide policies, standards, strategies, architectures, and reduce redundant investments over time.

(4) (($~~$7,368,000~~$)) $7,366,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1391 or Second Substitute Senate Bill No. 5315 (aligning information technology functions). If neither bill is enacted by July 10, 2015, the amount provided in this subsection shall lapse.

PART II
HUMAN SERVICES

Sec. 201. 2015 3rd sp.s. c 4 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) ((~~Information technology projects and proposed projects for time capture, payroll and payment processes, and eligibility and authorization systems within the department of social and health services are subject to~~

~~technical oversight by the office of the chief information officer~~)) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. No later than October 1, 2015, the department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(c) The department, in coordination with the health care authority, shall pursue a federal waiver to use supplemental nutrition assistance program eligibility, aged, blind, or disabled program eligibility, or temporary assistance for needy families eligibility, to enroll eligible persons into medicaid.

(7) In accordance with RCW 71.24.380, the health care authority and the department are authorized to purchase medical and behavioral health services through integrated contracts upon request of all of the county authorities in a regional service area to become an early adopter of fully integrated purchasing of medical and behavioral health services. The department may combine and transfer such amounts appropriated under sections 204, 208, and 213 of this act as may be necessary to fund early adopter contracts. The amount of medicaid funding transferred from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. The amount of non-medicaid funding transferred from sections 204 and 208 may not exceed the amount that would have been contracted with a behavioral health organization if the county authorities had not requested to become an early adopter of fully integrated purchasing. These limits do not apply to the amounts provided in section 204(1)(s) of this act. If any funding that this act provides solely for a specific purpose is transferred under this subsection, that funding must be used consistently with the provisions and conditions for which it was provided.

(8) In accordance with RCW 71.24.380, the department is authorized to purchase mental health and substance use disorder services through integrated contracts with behavioral health organizations. The department may combine and transfer such amounts appropriated under sections 204 and 208 of this act as may be necessary to finance these behavioral health organization contracts. If any funding that this act provides solely for a specific purpose is transferred under this subsection, that funding must be used consistently with the provisions and conditions for which it was provided.

(9)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2016, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2016 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2016 caseload forecasts and utilization assumptions in the long-term care, foster care, adoptions support, medical personal care, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(10) To facilitate the authority provided in subsection (7) and (8) of this section, and to ensure a new accounting structure is in place as of July 1, 2017, the department is authorized to create a new program for accounting purposes only that combines the mental health program and alcohol and substance abuse program allotments and expenditures.

Sec. 202. 2015 3rd sp.s. c 4 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund—State Appropriation (FY 2016) . . . . . ((~~$329,792,000~~))
$324,746,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$338,161,000~~))
$337,124,000
General Fund—Federal Appropriation . . . . . ((~~$518,913,000~~))
$511,676,000
General Fund—Private/Local Appropriation $1,354,000
Domestic Violence Prevention Account—State Appropriation $1,908,000
Child and Family Reinvestment Account—State Appropriation $6,529,000
TOTAL APPROPRIATION . . . . . ((~~$1,196,657,000~~))
$1,183,337,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Amounts appropriated in this section include funding for the department to establish basic foster care rates consistent with the settlement agreement in *FPAWS v. Quigley.*

(2) $668,000 of the general fund—state appropriation for fiscal year 2016 and $668,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(3) $253,000 of the general fund—state appropriation for fiscal year 2016 and $253,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the costs of the eight existing hub home foster families that provide a foster care delivery model that includes a licensed hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(4) $579,000 of the general fund—state appropriation for fiscal year 2016, $579,000 of the general fund—state appropriation for fiscal year 2017, and $109,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(5) $990,000 of the general fund—state appropriation for fiscal year 2016 and $990,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for services provided through children's advocacy centers.

(6) $1,250,000 of the general fund—state appropriation for fiscal year 2016 ((~~is~~)) and $1,351,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(7) ((~~$5,865,000~~)) $4,865,000 of the general fund—state appropriation for fiscal year 2016, ((~~$2,564,000~~)) $3,564,000 of the general fund—state appropriation for fiscal year 2017, $6,529,000 of the child and family reinvestment account—state appropriation, and ((~~$14,958,000~~)) $15,958,000 of the general fund—federal appropriation, are provided solely ((~~to maintain~~)) for family assessment response ((~~in children's administration field offices that began implementing family assessment response in the 2013-2015 fiscal biennium~~)).

(8) $94,000 of the general fund—state appropriation for fiscal year 2016 and $94,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(9) $668,000 of the domestic violence prevention account—state appropriation is provided solely for implementation of chapter 275, Laws of 2015 (SSB 5631) (domestic violence victims).

(10) ((~~$2,996,000~~)) $1,996,000 of the general fund—state appropriation for fiscal year 2016, $3,434,000 of the general fund—state appropriation for 2017, and $844,000 of the general fund—federal appropriation are provided solely for the children's administration to:

(a) Reduce the caseload ratios of social workers serving children in foster care to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcome;

(b) Support the closure of child protective services investigations within ninety days of intake, where appropriate; and

(c) Progress towards statewide expansion and support of the child protective services family assessment response pathway.

The children's administration must, in the manner it determines appropriate, balance expenditure of amounts provided in this subsection in a way that makes substantial investments in each of the three purposes in (a) through (c) of this subsection. Of the amounts provided in this subsection, no more than $1,600,000 may be used for the purpose of (b) of this subsection.

(11) $819,000 of the general fund—state appropriation for fiscal year 2017 and $373,000 of the general fund—federal appropriation are provided solely for implementation of chapter 240, Laws of 2015 (SSB 5740) (extended foster care).

(12) $784,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for early achievers tiered reimbursement for family home and center child care providers consistent with Engrossed Second Substitute House Bill No. 1491 (early care & education system). ((~~If the bill is not enacted by July 10, 2015, the amount provided in this subsection shall lapse.~~))

(13)(a) $539,000 of the general fund—state appropriation for fiscal year 2016, $540,000 of the general fund—state appropriation for fiscal year 2017, $656,000 of the general fund private/local appropriation, and $253,000 of the general fund—federal appropriation are provided solely for ((~~the children's administration to~~)) a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The children's administration is encouraged to use private matching funds to maintain educational advocacy services.

(b) Beginning in fiscal year 2017, the children's administration shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to Fourth Substitute House Bill No. 1999 (foster youth edu. outcomes). If the bill is not enacted by June 30, 2016, language in this subsection shall lapse.

(14) The children's administration shall adopt policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification. The children's administration shall submit the revised visitation policy to the appropriate policy and fiscal committees of the legislature by December 1, 2015.

(15) $446,000 of the general fund—state appropriation for fiscal year 2016 ((~~and $1,461,000 of the general fund—state appropriation for fiscal year 2017 are~~)) is provided solely for a contract with a nongovernmental entity or entities

for the demonstration ((~~sites~~)) site to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW((~~:~~

~~(a) Of the amounts provided in this subsection, $446,000 of the general fund—state appropriation for fiscal year 2016 and $446,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the demonstration site~~)) that was established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

((~~(b) Of the amounts provided in this subsection, $1,015,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for a second demonstration site. The children's administration, in collaboration with the office of the superintendent of public instruction and the contracted nongovernmental entity or entities, shall select a second demonstration site that includes a school district or school districts with a significant number of dependent students. The second site must be implemented no earlier than July 1, 2016.~~

~~(c)~~)) (a) The demonstration ((~~sites~~)) site in this subsection must facilitate the educational progress and graduation of dependent youth by providing individualized education services and monitoring and supporting dependent youths' remediation needs, special education needs, and completion of education milestones. The contract((~~s~~)) must be performance-based with a stated goal of improving the graduation rates of foster youth by two percent per year over five school year periods. The baseline for measurement for the existing site was established in the 2013-14 school year and remains applicable through the 2017-18 school year. ((~~The baseline for measurement for the site established in section 202(15)(b) must be established in the 2016-17 school year and remains applicable through the 2020-21 school year.~~

~~(d)~~)) (b) The demonstration ((~~sites~~)) site must develop and provide services aimed at improving the educational outcomes of foster youth. These services must include:

(i) Direct advocacy for foster youth to eliminate barriers to educational access and success;

(ii) Consultation with children's administration case workers to develop educational plans for and with participating youth;

(iii) Monitoring educational progress of participating youth;

(iv) Providing participating youth with school and local resources that may assist in educational access and success; and

(v) Coaching youth, caregivers, and social workers to advocate for dependent youth in the educational system.

(((~~f~~))) (c) The contractor must report demonstration site outcomes to the department of social and health services and the office of the superintendent of public instruction by September 30, 2015, for the 2014-15 school year and by September 30, 2016, for the 2015-16 school year.

(((~~g~~))) (d) The children's administration shall proactively refer all eligible students thirteen years or older within the demonstration site ((~~areas~~)) area to the contractor for educational services.

(((~~h~~))) (e) The contractor shall report to the legislature by September 30, 2015, for the 2014-15 school year and by September 30, 2016, for the 2015-16 school year on the number of eligible youth referred by the children's

administration, the number of youth served, and the effectiveness of the demonstration site ((~~or sites~~)) in increasing graduation rates for dependent youth.

(16) The children's administration, office of the superintendent of public instruction, and student achievement council shall collaborate with the office of the attorney general, other governmental agencies, advocacy organizations, and others as needed to report to the legislature by December 1, 2015, on strategies to permit supplemental education transition planning for dependent youth to be administered by the student achievement council and the demonstration sites to be administered by the office of the superintendent of public instruction no later than June 30, 2016. The report shall assess the feasibility of transitioning the programs and recommend strategies to resolve data and information sharing barriers through legislative policy and professional practice.

(17) $334,000 of the general fund—state appropriation for fiscal year 2016, $548,000 of the general fund—state appropriation for fiscal year 2017, and $249,000 of the general fund—federal appropriation are provided solely for extended foster care services for eligible youth engaged in employment for eighty hours or more per month, pursuant to chapter 122, Laws of 2014.

(18) The children's administration is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(19) $841,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for a base rate increase and an increase in tiered reimbursement rates, levels three through five, for licensed family child care providers. This funding is for the supplemental agreement to the 2015-2017 collective bargaining agreement covering family child care providers as set forth in section 905 of this act.

(20)(a) The children's administration shall develop a plan, in consultation with providers, to improve placement stability and promote a continuum of care for children and youth who have experienced abuse and neglect and require long-term placement with behavioral supports. The plan shall include the following in regards to these children and youth:

(i) Analysis of the cost-effectiveness and outcomes of existing placement options;

(ii) Development of common and consistent assessment criteria for determining the necessary level of care;

(iii) Delineation of a continuity of care continuum;

(iv) Identification of gaps in services with recommended strategies and costs for addressing those gaps, and;

(v) Development of models for stabilizing funding, including forecasting models, for all components of the service continuum.

(b) The children's administration shall submit the plan to the appropriate legislative committees by December 1, 2016.

Sec. 203. 2015 3rd sp.s. c 4 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2016) . . . . . .((~~$92,849,000~~))
$92,347,000

General Fund—State Appropriation (FY 2017) . . . . . .((~~$90,583,000~~))

$90,892,000
General Fund—Federal Appropriation $3,464,000
General Fund—Private/Local Appropriation $1,985,000
Washington Auto Theft Prevention Authority Account—
State Appropriation $196,000
Juvenile Accountability Incentive Account—Federal
Appropriation. $2,801,000
TOTAL APPROPRIATION . . . . . ((~~$191,878,000~~))
$191,685,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $331,000 of the general fund—state appropriation for fiscal year 2016 and $331,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) $6,198,000 of the general fund—state appropriation for fiscal year 2016 and $6,198,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(3) $1,130,000 of the general fund—state appropriation for fiscal year 2016 is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. Funding for this purpose in fiscal year 2017 is provided through a memorandum of understanding with the department of social and health services alcohol and substance abuse program. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(4) $3,123,000 of the general fund—state appropriation for fiscal year 2016 and $2,841,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for grants to county juvenile courts for the following juvenile justice programs identified by the Washington state institute for public policy (institute) in its ((~~October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs, or other programs with a positive benefit-cost finding in the institute's~~)) report((~~.~~)): "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose in

fiscal year 2017 is provided through a memorandum of understanding with the department of social and health services alcohol and substance abuse program. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(5) $1,537,000 of the general fund—state appropriation for fiscal year 2016 and $1,537,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for expansion of the following juvenile justice treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its ((~~October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions, and aggression replacement training, or other programs with a positive benefit-cost finding in the institute's~~)) report((~~.~~)): "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(6)(a) The juvenile rehabilitation administration shall administer a block grant((~~, rather than categorical funding, of consolidated juvenile service funds, community juvenile accountability act grants, the chemical dependency disposition alternative funds, the mental health disposition alternative, and the sentencing disposition alternative~~)) to county juvenile courts for the purpose of serving youth adjudicated in the county juvenile justice system. ((~~In making the block grant,~~)) Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The juvenile rehabilitation administration shall follow the following formula and will prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for moderate and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency disposition alternative; and (vi) two percent for the mental health and sentencing dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(b) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal

representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be cochaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. Initial members will include one juvenile court representative from the finance committee, the community juvenile accountability act committee, the risk assessment quality assurance committee, the executive board of the Washington association of juvenile court administrators, the Washington state center for court research, and a representative of the superior court judges association; two representatives from the juvenile rehabilitation administration headquarters program oversight staff, two representatives of the juvenile rehabilitation administration regional office staff, one representative of the juvenile rehabilitation administration fiscal staff and a juvenile rehabilitation administration division director. The committee may make changes to the formula categories other than the evidence-based program and disposition alternative categories if it is determined the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost benefit savings to the state. Long-term cost benefit must be considered. Percentage changes may occur in the evidence-based program or disposition alternative categories of the formula should it be determined the changes will increase evidence-based program or disposition alternative delivery and increase the cost benefit to the state. These outcomes will also be considered in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(c) The juvenile courts and administrative office of the courts shall be responsible for collecting and distributing information and providing access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts will work collaboratively to develop program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(7) The juvenile courts and administrative office of the courts shall collect and distribute information related to program outcome and provide access to these data systems to the juvenile rehabilitation administration and Washington state institute for public policy. The agreements between administrative office of the courts, the juvenile courts, and the juvenile rehabilitation administration shall be executed to ensure that the juvenile rehabilitation administration receives the data that the juvenile rehabilitation administration identifies as needed to comply with this subsection. This includes, but is not limited to, information by program at the statewide aggregate level, individual court level, and individual client level for the purpose of the juvenile rehabilitation administration providing quality assurance and oversight for the locally committed youth block grant and associated funds and at times as specified by the juvenile rehabilitation administration as necessary to carry out these functions. The data shall be provided in a manner that reflects the collaborative work the juvenile

rehabilitation administration and juvenile courts have developed regarding program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(8) $445,000 of the general fund—state appropriation for fiscal year 2016 and $445,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for funding of the teamchild project.

(9) $178,000 of the general fund—state appropriation for fiscal year 2016 and $178,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the juvenile detention alternatives initiative.

(10) $500,000 of the general fund—state appropriation for fiscal year 2016 and $500,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a grant program focused on criminal street gang prevention and intervention. The juvenile rehabilitation administration may award grants under this subsection. The juvenile rehabilitation administration shall give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the juvenile rehabilitation administration on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(11) The juvenile rehabilitation institutions may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(12) $250,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Engrossed Substitute House Bill No. 2746 (juvenile offender treatment). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

Sec. 204. 2015 3rd sp.s. c 4 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund—State Appropriation (FY 2016) . . . . . ((~~$339,344,000~~)) $310,977,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$353,115,000~~)) $355,262,000

General Fund—Federal Appropriation . . . . . ((~~$962,163,000~~)) $1,011,270,000

General Fund—Private/Local Appropriation $17,864,000

Dedicated Marijuana Account—State Appropriation (FY 2016). $2,778,000

Dedicated Marijuana Account—State Appropriation (FY 2017). $3,684,000

TOTAL APPROPRIATION . . . . . ((~~$1,678,948,000~~)) $1,701,835,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the purposes of this subsection, the term "regional support networks," includes, effective April 1, 2016, behavioral health organizations which assume the duties of regional support networks pursuant to chapter 225, Laws of 2014 (2SSB 6312).

(b) ((~~$16,631,000~~)) $12,204,000 of the general fund—state appropriation for fiscal year 2016, $13,761,000 of the general fund—state appropriation for fiscal year 2017, and $17,918,000 of the general fund—federal appropriation are provided solely to reimburse regional support networks for increased utilization costs, as compared to utilization costs in fiscal year 2014, that are incurred in order to meet statutory obligations to provide individualized mental health treatment in appropriate settings to individuals who are detained or committed under the involuntary treatment act. Prior to distributing funds to a regional support network requesting reimbursement for costs relative to increased utilization, the department must receive adequate documentation of such increased utilization and costs. Regional support networks receiving funds for community hospitals or evaluation and treatment center beds under (p) of this subsection are only eligible for reimbursement that exceeds the total of their utilization costs in fiscal year 2014 and the costs of services provided with additional funds received under (p) of this subsection.

(c) $2,452,000 of the general fund—state appropriation for fiscal year 2016, $2,264,000 of the general fund—state appropriation for fiscal year 2017, and $2,653,000 of the general fund—federal appropriation are provided solely for implementation of chapter 258, Laws of 2015 (E2SSB 5269) (involuntary treatment act). Regional support networks must use these amounts for involuntary treatment costs associated with implementation of this bill.

(d) $3,776,000 of the general fund—state appropriation for fiscal year 2016, $5,780,000 of the general fund—state appropriation for fiscal year 2017, and $6,054,000 of the general fund—federal appropriation are provided solely for implementation of chapter 250, Laws of 2015 (E2SHB 1450) (involuntary outpatient treatment). Regional support networks must use these amounts for increases in community mental health treatment associated with implementation of this bill.

(e) $81,180,000 of the general fund—state appropriation for fiscal year 2016 and $81,180,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of regional support network spending shall be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts includes a reduction of $4,715,000 for fiscal year 2016 and $4,715,000 for fiscal year 2017 associated with a funding shift that allows for increased federal participation for community inpatient stays that were previously ineligible for federal matching funds. This reduction will be distributed to regional support networks based on the same proportions that were added to regional support network capitation ranges specific to the waiver that allowed for federal funds to be used for community inpatient stays that were previously ineligible for federal matching funds. The department must allow regional support networks to use medicaid

capitation payments to provide services to medicaid enrollees that are in addition to those covered under the state plan in accordance with the conditions established under federal regulations governing medicaid managed care contracts and subject to federal approval by the center for medicaid and medicare services.

(f) $6,590,000 of the general fund—state appropriation for fiscal year 2016, $6,590,000 of the general fund—state appropriation for fiscal year 2017, and $7,620,000 of the general fund—federal appropriation are provided solely for the department and regional support networks to continue to contract for implementation of high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to regional support networks with PACT teams, the department shall consider the differences between regional support networks in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The department may allow regional support networks which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under section 204(1)(e) of this act. The department and regional support networks shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(g) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 587 per day in fiscal year 2016. Pursuant to Engrossed Second Substitute House Bill No. 2453 (state hospital oversight) or Substitute Senate Bill No. 6656 (state hospital practices), the department must transition and divert enough patients with long term care needs from western state hospital by January 1, 2017, to reduce the capacity needed for this population by 30 beds and the department must reduce the number of nonforensic beds allocated for use by regional support networks at western state hospital to 557. The department may contract through a regional support network for up to 30 local community hospital beds to provide treatment to individuals on a 90 day involuntary commitment order and must lower that regional support network's allocation of beds by the number of contracted beds.

(h) From the general fund—state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund—state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(i) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(j) $750,000 of the general fund—state appropriation for fiscal year 2016 and $750,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community

residential and support services provided by regional support networks through other state and federal funding.

(k) $1,125,000 of the general fund—state appropriation for fiscal year 2016 and $1,125,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Spokane regional support network to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane regional support network shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(l) $1,204,000 of the general fund—state appropriation for fiscal year 2016 and $1,204,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(m) Regional support networks may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, regional support networks may use a portion of the state funds allocated in accordance with (e) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(n) $2,291,000 of the general fund—state appropriation for fiscal year 2016 and $2,291,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement.

(o) Within the amounts appropriated in this section, funding is provided for the department to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(p) ((~~$11,405,000~~)) $9,184,000 of the general fund—state appropriation for fiscal year 2016, $11,405,000 of the general fund—state appropriation for fiscal year 2017, and $17,680,000 of the general fund—federal appropriation are provided solely for enhancement of community mental health services. The department must contract these funds for the operation of community programs in which the department determines there is a need for capacity that allows individuals to be diverted or transitioned from the state hospitals including but

not limited to: (i) Community hospital or free standing evaluation and treatment services providing short-term detention and commitment services under the involuntary treatment act to be located in the geographic areas of the King regional support network, the Spokane regional support network outside of Spokane county, and the Thurston Mason regional support network; (ii) one new full program of an assertive community treatment team in the King regional support network and two new half programs of assertive community treatment teams in the Spokane regional support network and the Pierce regional support network; and (iii) three new recovery support services programs in the Grays Harbor regional support network, the greater Columbia regional support network, and the north sound regional support network. In contracting for community evaluation and treatment services, the department may not use these resources in facilities that meet the criteria to be classified under federal law as institutions for mental diseases. If the department is unable to come to a contract agreement with a designated regional support network for any of the services identified above, it may consider contracting for that service in another regional support network that has the need for such service.

(q) The appropriations in this section include a reduction of $16,462,000 in general fund—state and $16,468,000 of general fund—federal expenditure authority. This reduction must be achieved by reducing regional support network medicaid rates for disabled adults, nondisabled adults, disabled children, and nondisabled children. No regional support network rate may be lowered below the low end of the rate range that is certified as actuarially sound. The department must work to develop updated minimum and maximum reserve levels that reflect the changes in the number of medicaid eligible individuals since reserve levels were originally set as well as the integration of substance use disorder services into managed care contracts funded within the amounts appropriated in this section. The department must submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1, 2015, that includes the revised minimum and maximum reserve levels for medicaid and nonmedicaid behavioral health organization contracts.

(r) ((~~$1,394,000~~)) $300,000 of the general fund—state appropriation for fiscal year 2016, $1,394,000 of the general fund—state appropriation for fiscal year 2017, and $2,020,000 of the general fund—federal appropriation are provided solely for implementation of chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency evaluation and restoration services). Regional support networks must use the amounts for outpatient mental health treatment costs associated with implementation of the bill.

(s) $1,500,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to support the southwest Washington region in transitioning to become an early adopter for full integration of physical and behavioral health care. These amounts must be used to provide a reserve for nonmedicaid services in the region and to stabilize the new crisis services system. The department and the health care authority must develop a memorandum of understanding on the use of these funds.

(t) By April 1, 2016, the department must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization contracts and insert contract language that clearly states the requirements and limitations. The department must monitor and ensure that behavioral health

organization reserves do not exceed maximum levels. The department must monitor behavioral health organization revenue and expenditure reports and must require a behavioral health organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The department must review and approve such plans and monitor to ensure compliance. If the department determines that a behavioral health organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the department must reduce payments to the behavioral health organization in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the department determines that the behavioral health organization has come into substantial compliance with an approved excess reserve corrective action plan.

(u) $2,000,000 of the general fund—state appropriation for fiscal year 2017 and $762,000 of the general fund—federal appropriation for fiscal year 2017 are provided solely for four housing support and step down services teams.

(v) $1,760,000 of the general fund—federal appropriation is provided solely for a pilot project to put peer bridging staff into each regional support network as part of the state psychiatric liaison teams to promote continuity of service as individuals return to their communities. The department must collect and make available data on the impact of peer staff on state hospital discharges and community placements.

(w) $417,000 of the general fund—state appropriation for fiscal year 2017 and $179,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1448 (suicide threat response). If the bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2016) . . . . . ((~~$170,364,000~~)) $178,731,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$181,757,000~~)) $196,851,000

General Fund—Federal Appropriation . . . . . ((~~$162,866,000~~)) $165,365,000

General Fund—Private/Local Appropriation . . . . . ((~~$56,669,000~~)) $49,742,000

Governor's Behavioral Health Innovation Fund—State Appropriation. $6,777,000

TOTAL APPROPRIATION . . . . . ((~~$571,656,000~~)) $597,466,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) $231,000 of the general fund—state appropriation for fiscal year 2016 and $231,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a community partnership between western state hospital and

the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(c) $45,000 of the general fund—state appropriation for fiscal year 2016 and $45,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) $9,571,000 of the general fund—state appropriation for fiscal year 2016 and $17,287,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used to increase the number of forensic beds at western state hospital to three hundred thirty and the number of forensic beds at eastern state hospital to one hundred twenty-five by June 30, 2017. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(e) $2,349,000 of the general fund—state appropriation for fiscal year 2016 and $2,318,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used solely to increase the number of staff providing competency evaluation services.

(f) $135,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the department to hire an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(g) $600,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the department to contract with the University of Washington department of psychiatry and behavioral sciences. The University of Washington shall conduct an analysis and develop a plan to create a high quality forensic teaching unit in collaboration with Western State Hospital. The plan shall include an appraisal of risks, barriers, and benefits to implementation as well as an implementation timeline. The University of Washington shall report to the department, the office of financial management, and relevant policy and fiscal committees of the legislature on findings and recommendations by November 1, 2017.

(h) $6,777,000 of the governor's behavioral health innovation fund appropriation is provided solely to improve the quality of care, patient and staff safety, and the efficiency of operations at the state hospitals pursuant to Engrossed Second Substitute House Bill No. 2453 (state hospital oversight) or Substitute Senate Bill No. 6656 (state hospital practices). In accordance with Engrossed Second Substitute House Bill No. 2453 or Substitute Senate Bill No. 6656, the department must apply to and receive approval from the office of

financial management prior to expending appropriations from this account. If neither bill is enacted by June 30, 2016, the amounts provided in this subsection shall lapse. It is the intent of the legislature that the ongoing costs of services that are implemented through these amounts be considered as maintenance level in the fiscal year 2017-2019 operating budget.

(i) $510,000 of the general fund—state appropriation for fiscal year 2016 and $6,256,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to increase the number of funded registered nurses at western state hospital by 51 positions by July 1, 2016. If the department is unable to fill these positions by July 1, 2016, the department may develop an alternative plan for spending the amount proportional to the positions that are not filled. This plan must be submitted to the office of financial management following the same process established in Engrossed Second Substitute House Bill No. 2453 (state hospital oversight) or Substitute Senate Bill No. 6656 (state hospital practices) for applying for funds in the Governor's behavioral health innovation fund. The office of financial management may, after receiving input from the select committee created in Engrossed Second Substitute House Bill No. 2453 or Substitute Senate Bill No. 6656, approve that an amount proportional to the positions that are not filled be spent on the department's alternative plan.

(j) $791,000 of the general fund—state appropriation for fiscal year 2016, $1,456,000 of the general fund—state appropriation for fiscal year 2017, and $199,000 of the general fund—federal appropriation are provided solely for the unilateral implementation of targeted job classification compensation increases as set forth in section 903 of this act, effective December 1, 2015, at eastern and western state hospitals. The legislature recognizes that the compensation increases were necessitated by an emergency and an imminent jeopardy determination by the centers for medicare and medicaid services that relates to the safety and health of clients and employees.

(k) $611,000 of the general fund—state appropriation for fiscal year 2016, $2,264,000 of the general fund—state appropriation for fiscal year 2017, and $250,000 of the general fund—federal appropriation are provided solely for the implementation of a memorandum of understanding between the governor and the service employees international union healthcare 1199nw amending the collective bargaining agreement under chapter 41.80 RCW for the 2015-2017 fiscal biennium as set forth in section 902 of this act, effective December 1, 2015, at eastern and western state hospitals and the child study treatment center. The legislature recognizes that the memorandum of understanding was necessitated by an emergency and an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees.

(l) $3,789,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to improve western state hospital patient and employee safety by opening a civil ward in order to reduce the patients per ward.

(m) $224,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the department to hire two staff for western state hospital dedicated to discharge planning and coordination efforts between other parts of the department and with the regional support networks to more efficiently and properly discharge patients determined ready to go back to their communities.

(n) $1,900,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the fifteen percent assignment pay increase for psychiatrist classifications at eastern and western state hospital granted during fiscal year 2015.

(o) $891,000 of the general fund—state appropriation for fiscal year 2016, $1,600,000 of the general fund—state appropriation for fiscal year 2017, and $211,000 of the general fund—federal appropriation are provided solely for implementation of a new memorandum of understanding between the state and the union of physicians of Washington to increase compensation for physician and psychiatrist classifications under chapter 41.80 RCW for the 2015-2017 fiscal biennium pursuant to section 901 of this act. The memorandum of understanding reached between the state and the union of physicians of Washington effective December 1, 2015, is not approved. The amounts provided in this subsection are contingent on the state and the union of physicians of Washington reaching an agreement by June 30, 2016, that allows psychiatric advanced registered nurse practitioners and physician assistants to perform work and tasks that are currently or have been historically performed by physicians and psychiatrists at the state hospitals.

(p) $19,000 of the general fund—state appropriation for fiscal year 2017 and $1,000 of the general fund—federal appropriation are provided solely for nonrepresented state employees in targeted state employee job classifications as set forth in section 906 of this act.

(3) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2016) $477,000
General Fund—State Appropriation (FY 2017) $490,000
General Fund—Federal Appropriation . . . . . ((~~$6,291,000~~))
$7,391,000
TOTAL APPROPRIATION . . . . . ((~~$7,258,000~~))
$8,358,000

The appropriations in this subsection are subject to the following conditions and limitations: $446,000 of the general fund—state appropriation for fiscal year 2016, $446,000 of the general fund—state appropriation for fiscal year 2017, and $178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the department to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds.

(4) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2016) . . . . . ((~~$9,033,000~~))
$9,779,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$8,767,000~~))
$9,120,000
General Fund—Federal Appropriation . . . . . ((~~$11,472,000~~))
$12,025,000
General Fund—Private/Local Appropriation $502,000
TOTAL APPROPRIATION . . . . . ((~~$29,774,000~~))

$31,426,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2016 and 2017 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(b) In developing the new medicaid managed care rates under which the public mental health managed care system will operate, the department must seek to estimate the reasonable and necessary cost of efficiently and effectively providing a comparable set of medically necessary mental health benefits to persons of different acuity levels regardless of where in the state they live. The department must report to the office of financial management and to the relevant fiscal and policy committees of the legislature on its proposed new mental health managed care rate-setting approach by August 1, 2015, and again at least sixty days prior to implementation of new capitation rates.

(c) Within the amounts appropriated in this section, funding is provided for the department to continue to develop the child adolescent needs and strengths assessment tool and build workforce capacity to provide evidence based wraparound services for children, consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(d) Pursuant to Engrossed Second Substitute House Bill No. 2453 (state hospital oversight) or Substitute Senate Bill No. 6656 (state hospital practices), $260,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the department to contract with an external consultant to examine the clinical role of staffing at the state hospitals. The consultant shall report to the department, the office of financial management, and relevant legislative policy and fiscal committees on the consultant's findings and recommendations in accordance with the timelines established in Engrossed Second Substitute House Bill No. 2453 or Substitute Senate Bill No. 6656.

Sec. 205. 2015 3rd sp.s. c 4 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2016) . . . . . ((~~$507,106,000~~))
$515,567,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$551,660,000~~))
$575,185,000

General Fund—Federal Appropriation . . . . . ((~~$1,067,621,000~~))

$1,098,035,000
General Fund—Private/Local Appropriation $534,000
TOTAL APPROPRIATION . . . . . ((~~$2,126,921,000~~))
$2,189,321,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes shall be $225 per bed beginning in fiscal year 2016 and $225 per bed beginning in fiscal year 2017. A processing fee of $2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(ii) The current annual renewal license fee for assisted living facilities shall be $106 per bed beginning in fiscal year 2016 and $106 per bed beginning in fiscal year 2017.

(iii) The current annual renewal license fee for nursing facilities shall be $359 per bed beginning in fiscal year 2016 and $359 per bed beginning in fiscal year 2017.

(c) $8,571,000 of the general fund—state appropriation for fiscal year 2016, $18,181,000 of the general fund—state appropriation for fiscal year 2017, and $33,427,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2015-2017 fiscal biennium.

(d) The department shall reimburse with the exceptional care rate adult family homes that provided care solely to clients with HIV/AIDS on or before January 1, 2000, and continue to provide care solely to clients with HIV/AIDS. The department shall not reduce the exceptional care rate from the rate paid on October 1, 2013.

(e) $774,000 of the general fund—state appropriation for fiscal year 2016, $1,547,000 of the general fund—state appropriation for fiscal year 2017, and $7,185,000 of the general fund—federal appropriation are provided solely for a payment system that satisfies medicaid requirements regarding time reporting for W-2 providers. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(f) $1,184,000 of the general fund—state appropriation for fiscal year 2016, $2,483,000 of the general fund—state appropriation for fiscal year 2017, and $4,638,000 of the general fund—federal appropriation are provided solely for

the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(g) The department is authorized to establish limited exemption criteria in rule to address RCW 74.39A.325 when a landline phone is not available to the employee.

(h) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(i) The department of social and health services shall increase the benchmark rates for community residential service businesses providing supported living, group home, and licensed staff residential services for people with developmental disabilities by sixty cents starting July 1, 2015, and by an additional sixty cents starting July 1, 2016.

(j) The department of social and health services shall standardize the administrative rate for community residential service businesses providing supported living, group home, and licensed staff residential services for people with developmental disabilities starting July 1, 2015.

(k) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(l) Within the amounts provided in this subsection, the developmental disabilities administration must prepare a report that describes options for modifying the current system of pre-vocational services for individuals with developmental disabilities. The developmental disabilities administration must not transition clients receiving pre-vocational services into integrated settings until the conclusion of the 2016 legislative session, unless there is a group supported employment, individual employment, or community access opportunity that is supported by the client and his or her legal representative. If a client transitions out of a congregate setting prior to December 1, 2016, then for each client, during the period before and after leaving the congregate setting, the report must describe the hours of service, hours worked, hourly wage, monthly earnings, authorized waiver services, and per capita expenditures. The report must be submitted to the appropriate fiscal and policy committees of the legislature by January 1, 2016. At a minimum, the report must describe the following options:

(i) Modify the current system to ensure compliance with rules established by the centers for medicare and medicaid services;

(ii) Continue the current system without federal matching funds; and

(iii) Transition clients out of congregate settings and into integrated settings. Under this option, the report must describe an anticipated phase-out schedule and medicaid waiver services that could be authorized to mitigate the impact for transitioning clients.

(m) The department shall establish new rules and standards to ensure that adult family homes are monitored and licensed to meet the needs of young adults with a developmental disability. These adult family homes may require a package of services including specialized care assessment and planning, personal care, specialized environmental features, and accommodations.

(n) $650,000 of the general fund—state appropriation for fiscal year 2016, $650,000 of the general fund—state appropriation for fiscal year 2017, and $800,000 of the general fund—federal appropriation are provided solely for the development and implementation of eight enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report by January 2, 2016, and each year thereafter that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(o) $550,000 of the general fund—state appropriation for fiscal year 2016, $550,000 of the general fund—state appropriation for fiscal year 2017, and $700,000 of the general fund—federal appropriation are provided solely for the development and implementation of eight community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January 2, 2016, and each year thereafter that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(p) $46,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of either Substitute Senate Bill No. 6329 (parent-to-parent) or House Bill No. 2394 (parent-to-parent program). If neither bill is enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(q) $901,000 of the general fund—state appropriation for fiscal year 2017 and $601,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6564 (providing protections for persons with developmental disabilities). If this bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2016) . . . . . ((~~$95,196,000~~))
$94,973,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$97,134,000~~))
$98,257,000

General Fund—Federal Appropriation . . . . . ((~~$180,106,000~~))
$180,543,000

General Fund—Private/Local Appropriation $23,041,000
TOTAL APPROPRIATION . . . . . ((~~$395,477,000~~))
$396,814,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) $721,000 of the general fund—state appropriation for fiscal year 2016 and $721,000 of the general fund—state appropriation for fiscal year 2017 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) $558,000 of the general fund—state appropriation for fiscal year 2016, $558,000 of the general fund—state appropriation for fiscal year 2017, and $1,074,000 of the general fund—federal appropriation are for specialized services required by the centers for medicare and medicaid services as a result of preadmission screening and resident review assessments.

(d) $2,978,000 of the general fund—state appropriation for fiscal year 2016, $2,978,000 of the general fund—state appropriation for fiscal year 2017, and $5,956,000 of the general fund—federal appropriation are for additional staff to ensure compliance with centers for medicare and medicaid services requirements for habilitation, nursing care, staff safety, and client safety at the residential habilitation centers.

(e) The residential habilitation centers may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(f) $100,000 of the general fund—state appropriation for fiscal year 2016, $100,000 of the general fund—state appropriation for fiscal year 2017, and $200,000 of the general fund—federal appropriation are provided solely for respite services in an existing eight-bed cottage at Yakima valley school for individuals who are developmentally disabled and in need of crisis stabilization support.

(g) $834,000 of the general fund—state appropriation for fiscal year 2017 and $833,000 of the general fund—federal appropriation are provided solely for an additional eight planned respite beds at Yakima valley school.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2016) . . . . . ((~~$3,031,000~~))
$2,604,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$2,824,000~~))
$2,422,000
General Fund—Federal Appropriation . . . . . ((~~$3,462,000~~))
$3,164,000
TOTAL APPROPRIATION . . . . . ((~~$9,317,000~~))
$8,190,000

(4) SPECIAL PROJECTS
General Fund—State Appropriation (FY 2016) . . . . . ((~~$1,403,000~~)) $92,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$1,403,000~~)) $55,000
General Fund—Federal Appropriation . . . . . ((~~$1,206,000~~)) $1,103,000
TOTAL APPROPRIATION . . . . . ((~~$4,012,000~~)) $1,250,000

***Sec. 206.** 2015 3rd sp.s. c 4 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM
General Fund—State Appropriation (FY 2016) . . . . . ((~~$923,349,000~~)) $909,817,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$1,005,649,000~~)) $1,030,159,000
General Fund—Federal Appropriation . . . . . ((~~$2,376,289,000~~)) $2,385,151,000
General Fund—Private/Local Appropriation . . . . . ((~~$33,990,000~~)) $33,797,000
Traumatic Brain Injury Account—State Appropriation . . . . . ((~~$3,396,000~~)) $3,968,000
Assisted Living Facility Temporary Management Account—Federal Appropriation ***$500,000***
Adult Family Home Account—Federal Appropriation $500,000
Skilled Nursing Facility Safety Net Trust Account—State Appropriation $133,360,000
TOTAL APPROPRIATION . . . . . ((~~$4,476,033,000~~)) $4,497,252,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed $178.87 for fiscal year 2016 and shall not exceed ((~~$191.87~~)) $197.33 for fiscal year 2017((~~, including the rate add-ons described in (a), (b), and (g) of this subsection~~)). There will be no adjustments for economic trends and conditions in fiscal years 2016 and 2017. The economic trends and conditions factor or factors defined in the biennial appropriations act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the component rate allocations established in accordance with chapter 74.46 RCW. When no economic trends and conditions factor for either fiscal year is defined in a biennial appropriations act, no economic trends and conditions factor or factors defined in any earlier biennial appropriations act shall be applied solely or compounded to the component rate allocations established in accordance with chapter 74.46 RCW.

(a) For fiscal year 2016 within the funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to

exceed $1.57. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than $15 in calendar year 2008, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. For fiscal year 2016 within funds provided, the department shall provide an additional add-on per medicaid resident day per facility not to exceed the industry weighted average rate of $2.44. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than $17 in calendar year 2012, according to cost report data. The department shall continue reporting requirements and a settlement process to ensure that the funds are spent according to this subsection.

(b) The department shall do a comparative analysis of the facility-based payment rates calculated on July 1, 2015, using the payment methodology defined in chapter 74.46 RCW and as funded in the omnibus appropriations act, excluding the low wage worker add-on found in (a) of this subsection, the rate add-ons for direct care, support services, and therapy care found in (g) of this subsection, the comparative add-on, acuity add-on, and safety net reimbursement, to the facility-based payment rates in effect June 30, 2010. For fiscal year 2016, if the facility-based payment rate calculated on July 1, 2015, is smaller than the facility-based payment rate on June 30, 2010, then the difference shall be provided to the individual nursing facilities as an add-on payment per medicaid resident day.

(c) During the comparative analysis performed in subsection (b) of this section, for fiscal year 2016, if it is found that the direct care rate for any facility calculated using the payment methodology defined in chapter 74.46 RCW and as funded in the omnibus appropriations act, excluding the low wage worker add-on found in (a) of this subsection, the rate add-ons for direct care, support services, and therapy care found in (g) of this subsection, the comparative add-on, acuity add-on, and safety net reimbursement, is greater than the direct care rate in effect on June 30, 2010, then the facility shall receive a ten percent direct care rate add-on to compensate that facility for taking on more acute clients than they have in the past.

(d) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(e) The rate add-on provided in (c) of this subsection is subject to the reconciliation and settlement process provided in RCW 74.46.022(6).

(f) If the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment is for any reason disapproved, (b), (c), (d), (g), and the fiscal year 2016 additional add-on in (a) of this subsection do not apply.

(g) For fiscal year 2016, the department shall provide the following rate add-ons per medicaid resident day:

(i) A direct care rate add-on of $3.63 per medicaid resident day;

(ii) A support services rate add-on of $1.12 per medicaid resident day; and

(iii) A therapy care rate add-on of $0.05 per patient day.

This subsection (1)(g) is subject to the reconciliation and settlement process provided in RCW 74.46.022(6).

(h) Beginning July 1, 2016, a nursing home provider's direct care rate shall be set so that it does not exceed one hundred and eighteen percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2).

(2) In accordance with chapter 74.46 RCW, the department shall issue no additional certificates of capital authorization for fiscal year 2016 and no new certificates of capital authorization for fiscal year 2017 and shall grant no rate add-ons to payment rates for capital improvements not requiring a certificate of need and a certificate of capital authorization for fiscal years 2016 and 2017.

(3) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes shall be $225 per bed beginning in fiscal year 2016 and $225 per bed beginning in fiscal year 2017. A processing fee of $2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(b) $193,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to the department to implement a new processing fee of $700 when adult family home providers file a change of ownership application.

(c) The current annual renewal license fee for assisted living facilities shall be $106 per bed beginning in fiscal year 2016 and $106 per bed beginning in fiscal year 2017.

((~~(c)~~)) (d) The current annual renewal license fee for nursing facilities shall be $359 per bed beginning in fiscal year 2016 and $359 per bed beginning in fiscal year 2017.

(4) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

(5) $3,095,000 of the general fund—state appropriation for fiscal year 2017 and $3,095,000 of the general fund—federal appropriation are provided within existing appropriations solely to exempt the five highest acuity resource utilization group categories (beginning with PC2 through PE2) from the adjustment to case mix index per RCW 74.46.485. Nursing homes shall be required to notify the department's identified home and community services division contact within 30 days of a medicaid resident being identified in one of the five lowest resource utilization group categories (beginning with PA1 through PC1). The department shall complete an assessment of those residents who desire to transition into a community setting. The department shall identify within 30 days whether an alternate setting of the client's choosing is available to meet the resident's needs. Nursing homes shall work collaboratively with the

department to transition into the community at least ninety-six residents, assessed in the five lowest acuity resource utilization group categories (PA1 through PC1). For the first two quarters of fiscal year 2017, the downward adjustment shall be no greater than thirteen percent. If, after the first two quarters of fiscal year 2017, the department determines the nursing homes are not making sufficient progress towards moving ninety-six residents from the five lowest resource utilization group categories (PA1 through PC1) into the community, the department is authorized to increase the downward adjustment to no greater than twenty percent for the lowest four resource utilization group categories (PA1 through PB2).

(6) $19,747,000 of the general fund—state appropriation for fiscal year 2016, $41,807,000 of the general fund—state appropriation for fiscal year 2017, and $76,770,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2015-2017 fiscal biennium.

((~~(6)~~)) (7) $1,840,000 of the general fund—state appropriation for fiscal year 2016 and $1,877,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

((~~(7)~~)) (8) $2,447,000 of the general fund—state appropriation for fiscal year 2016, $4,894,000 of the general fund—state appropriation for fiscal year 2017, and $22,725,000 of the general fund—federal appropriation are provided solely for a payment system that satisfies medicaid requirements regarding time reporting for W-2 providers. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

((~~(8)~~)) (9) The department is authorized to establish limited exemption criteria in rule to address RCW 74.39A.325 when a landline phone is not available to the employee.

((~~(9)~~)) (10) $7,552,000 of the general fund—state appropriation for fiscal year 2016, $15,974,000 of the general fund—state appropriation for fiscal year 2017, and $29,742,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

((~~(10)~~)) (11) Within the amounts appropriated in this section of the general fund—state appropriation for fiscal years 2016 and 2017, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues that is established by this subsection.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members. Four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, by conducting at least, but not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Review the regulation of continuing care retirement communities and ways to protect those who reside in them, including the consideration of effective disclosures to residents;

(vi) Identify the needs of older people and people with disabilities for high quality public and private guardianship services and information about assisted decision-making options;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(e) At least one committee meeting must be devoted to a discussion of strategies to improve the quality of care, client safety and well-being, and staff

safety within all community and institutional settings. During the meeting, committee members must receive a comprehensive review of findings since fiscal year 2010 by the centers for medicare and medicaid services, and residential care services, in community settings, nursing homes, and each of the residential habilitation centers, with an emphasis on medical errors, inconsistencies between service plans and services provided, the use of restraints, and existence of hazardous environmental conditions.

(f) The committee shall issue an addendum report to the legislature by December 10, 2015, and issue final recommendations to the governor and relevant standing committees of the legislature by December 10, 2016. The addendum report to the legislature must include the following:

(i) A description of the oversight role for residential care services, the long-term care ombuds, the centers for medicare and medicaid services, and disability rights Washington;

(ii) From the provider perspective, and the perspective of a state agency, an overview of the process for reviewing and responding to findings by residential care services and the centers for medicare and medicaid services;

(iii) A description of the process for notifying the office of the governor and the legislature when problems with quality of care, client safety and well-being, or staff safety arise within community or institutional settings;

(iv) A compilation of findings since fiscal year 2010 by the centers for medicare and medicaid services, and residential care services, at the residential habilitation centers, nursing facilities, supported living, assisted living, group homes, companion homes, adult family homes, and all other community based providers;

(v) An annotated and detailed list of all responses to findings by the centers for medicare and medicaid services, and residential care services, specific to audits of the nursing facility at lakeland village since fiscal year 2010;

(vi) Review the regulation of continuing care retirement communities and ways to protect those who reside in them, including the consideration of effective disclosures to residents;

(vii) Identify the needs of older people and people with disabilities for high quality public and private guardianship services and information about assisted decision-making options;

(viii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(ix) A description of the method in place to ascertain the outcome of responses to findings.

((~~(11)~~)) (12) $5,094,000 of the general fund—state appropriation for fiscal year 2016 and $5,094,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

((~~(12)~~)) (13) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is

also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(((~~(13)~~))) (14) The department shall reimburse with the exceptional care rate adult family homes that provided care solely to clients with HIV/AIDS on or before January 1, 2000, and continue to provide care solely to clients with HIV/AIDS. The department shall not reduce the exceptional care rate from the rate paid on October 1, 2013.

(((~~(14)~~))) (15)(a) $100,000 of the general fund—state appropriation for fiscal year 2016, $100,000 of the general fund—private/local appropriation, and $200,000 of the general fund—federal appropriation are provided solely for the department of social and health services to contract for an independent feasibility study and actuarial modeling of public and private options for leveraging private resources to help individuals prepare for long-term services and supports needs. The study must model two options: (i) A public long-term care benefit for workers, funded through a payroll deduction that would provide a time-limited long-term care insurance benefit; and (ii) a public-private reinsurance or risk-sharing model, with the purpose of providing a stable and ongoing source of reimbursement to insurers for a portion of their catastrophic long-term services and supports losses in order to provide additional insurance capacity for the state.

(b) The report must include input from the joint committee on aging and disability and other interested stakeholders. The report must also include an analysis of each option based on: (i) The expected costs and benefits for participants; (ii) the total anticipated number of participants; (iii) the projected savings to the state medicaid program, if any; and (iv) legal and financial risks to the state.

(c) The department must provide status updates to the joint legislative executive committee on aging and disability. The feasibility study and actuarial analysis shall be completed and submitted to the department of social and health services by December 20, 2016. The department shall submit a report, including the director's findings and recommendations based on the feasibility study and actuarial analysis, to the governor and the legislature by January 1, 2017.

(((~~(15)~~))) (16) $6,195,000 of the general fund—state appropriation for fiscal year 2016, $13,195,000 of the general fund—state appropriation for fiscal year 2017, and $20,288,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 1274 (nursing home payment rates). ((~~If the bill is not enacted by July 10, 2015, the amounts in this subsection shall lapse.~~

~~(16)~~)) (17) Within available funds, the aging and long term support administration must create a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(((~~(17)~~))) (18) $58,000 of the general fund—state appropriation for fiscal year 2016, $58,000 of the general fund—state appropriation for fiscal year 2017, and $114,000 of the general fund—federal appropriation are provided solely to implement Substitute Senate Bill No. 5877 (due process for adult family homes).

(19) $468,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to expand the kinship navigator program to the Colville Indian reservation, Yakama Nation, and other tribal areas currently without kinship navigator services.

(20) $37,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to implement Second Substitute House Bill No. 2726 (retirement communities). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(21) The department shall provide the legislature an analysis of expenditures for medicaid clients served in adult family homes and assisted living facilities by acuity level. The analysis shall include all services provided to medicaid clients in each care setting, including all services covered by the daily rate, and services provided in addition to the daily rate. The department shall submit the report to the legislature by November 15, 2016.

(22) $308,000 of the general fund—state appropriation for fiscal year 2017 and $77,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6564 (providing protections for persons with developmental disabilities). If this bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(23) $537,000 of the general fund—state appropriation for fiscal year 2017 and $538,000 of the general fund—federal appropriation are provided solely for implementation of Substitute Senate Bill No. 6656 (state hospital practices) or Engrossed Second Substitute House Bill No. 2453 (state hospital oversight). The department shall contract with a nursing home facility with an enhanced staffing model able to care for patients coming out of western state hospital. The department must identify and must discharge at least thirty patients from a geriatric ward at western state hospital to alternative settings by January 1, 2017, by utilizing enhanced services facilities and enhanced community services plus nursing home beds. If neither bill is enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

***Sec. 206 was partially vetoed. See message at end of chapter.**

***Sec. 207.** 2015 3rd sp.s. c 4 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM

General Fund—State Appropriation (FY 2016) . . . . . ((~~$408,958,000~~)) $396,066,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$445,239,000~~)) $418,020,000

General Fund—Federal Appropriation . . . . . ((~~$1,272,294,000~~)) $1,301,431,000

General Fund—Private/Local Appropriation $1,950,000

Administrative Contingency Account—State Appropriation $17,000,000

TOTAL APPROPRIATION . . . . . ((~~$2,128,441,000~~)) $2,134,467,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) ((~~$168,201,000~~)) $152,953,000 of the general fund—state appropriation for fiscal year 2016, ((~~$194,020,000~~)) $171,299,000 of the general fund—state appropriation for fiscal year 2017, ((~~and $738,086,000~~)) $779,366,000 of the general fund—federal appropriation, and the administrative

contingency account—state appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting the new structure and no later than December 2015.

(b) (($316,849,000)) $316,460,000 of the amounts in (a) of this subsection are provided solely for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance.

(c) (($170,923,000)) $163,200,000 of the amounts in (a) of this subsection are provided solely for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures.

(d) (($426,750,000)) $477,029,000 of the amounts in (a) of this subsection are provided solely for the working connections child care program under RCW 43.215.135. Of the amounts provided in this subsection (1)(d), $22,040,000 of the appropriation for fiscal year 2017 is provided solely for implementation of chapter 7, Laws of 2015 3rd sp. sess. (early care and education system). Of the amounts provided in this subsection (1)(d), $8,048,000 of the appropriation for fiscal year 2017 is provided solely for a base rate increase. This funding is for the supplemental agreement to the 2015-2017 collective bargaining agreement covering family child care providers as set forth in section 905 of this act. The amounts provided in this subsection (d) are provided conditioned on the department of social and health services and the department of early learning taking additional actions to identify and reduce the backlog of overpayment cases related to public assistance programs, including the working connections child care program. The departments shall collaborate and create a plan to triage overpayment cases in a manner that identifies and prioritizes cases with large overpayments and likelihood of fraudulent activity. The departments shall provide a quarterly report to the appropriate policy and fiscal committees of the legislature detailing the specific actions taken as a result of this subsection (d).

(e) (($163,558,000)) $163,928,000 of the amounts in (a) of this subsection are provided solely for WorkFirst and working connections child care administration and overhead. Of amounts provided in this subsection (1)(e), $41,000 of the appropriation for fiscal year 2016 is provided solely for

implementation of chapter 7, Laws of 2015 3rd sp. sess. (early care and education system).

~~(((f) $41,000,000 of the general fund—state appropriation for fiscal year 2016 and $22,040,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1491 (early care and education system). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection (1)(f) shall lapse.~~

~~(g)~~))) (f) The amounts in (b) through (d) of this subsection shall be expended for the programs and in the amounts specified. However, the department may transfer up to 10 percent of funding between (b) through (d) of this subsection. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(g) Beginning July 1, 2016, and each calendar quarter thereafter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort; and

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements.

(h) In the 2017-2019 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (b) through (e) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) $1,657,000 of the general fund—state appropriation for fiscal year 2016 and $1,657,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for naturalization services.

(3) $2,366,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for employment services for refugees and immigrants, of which $1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and $2,366,000 of the general fund—state

appropriation for fiscal year 2017 is provided solely for employment services for refugees and immigrants, of which $1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On December 1, 2015, and annually thereafter, the department must report to the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(8) $300,000 of the general fund—federal appropriation is provided solely for implementation of Second Substitute House Bill No. 2877 (SNAP benefit distribution dates), provided that the department confirms receipt of SNAP Bonus payments sufficient for the cost of implementing the bill. If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(9) $16,000 of the general fund—state appropriation for fiscal year 2017 and $29,000 of the general fund—federal appropriation are provided solely for implementation of Senate Bill No. 6499 (child support/electronic). If the bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

***Sec. 207 was partially vetoed. See message at end of chapter.**

Sec. 208. 2015 3rd sp.s. c 4 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund—State Appropriation (FY 2016) . . . . . ((~~$64,766,000~~)) $64,261,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$64,894,000~~)) $66,185,000

General Fund—Federal Appropriation . . . . . ((~~$432,441,000~~)) $519,951,000

General Fund—Private/Local Appropriation $20,211,000

Criminal Justice Treatment Account—State Appropriation . . . . . ((~~$11,978,000~~)) $12,478,000

Problem Gambling Account—State Appropriation $1,453,000
Dedicated Marijuana Account—State Appropriation
(FY 2016). $10,736,000
Dedicated Marijuana Account—State Appropriation
(FY 2017). $24,802,000
TOTAL APPROPRIATION . . . . . ((~~$631,281,000~~))
$720,077,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the department by request; and (b) indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) In accordance with RCW 70.96A.090 and 43.135.055, the department is authorized to adopt fees for the review and approval of treatment programs in fiscal years 2016 and 2017 as necessary to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(3) $3,500,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(4) $421,000 of the general fund—state appropriation for fiscal year 2016, $873,000 of the general fund—state appropriation for fiscal year 2017, and $1,787,000 of the general fund—federal appropriation are provided solely for implementation of chapter 50, Laws of 2015 (E2SHB 1450) (involuntary outpatient treatment). The department must use these amounts for increases in alcohol and substance abuse treatment associated with implementation of the bill.

(5) $200,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and $200,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for a contract with the Washington state institute for public policy to conduct cost-benefit evaluations of the implementation of chapter 3, Laws of 2013 (Initiative Measure No. 502).

(6) $500,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and $500,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely to design and administer

the Washington state healthy youth survey and the Washington state young adult behavioral health survey.

(7) $395,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and $396,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for increasing services to pregnant and parenting women provided through the parent child assistance program.

(8) $250,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and $250,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for a grant to the office of superintendent of public instruction to provide life skills training to children and youth in schools that are in high needs communities.

(9) $386,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and $386,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely to increase prevention and treatment services provided by tribes to children and youth.

(10) $683,000 of the dedicated marijuana account—state appropriation for fiscal year 2016, $2,684,000 of the dedicated marijuana account—state appropriation for fiscal year 2017, and $1,900,000 of the general fund—federal appropriation are provided solely to increase residential treatment services for children and youth.

(11) $250,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and $250,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for training and technical assistance for the implementation of evidence based, research based, and promising programs which prevent or reduce substance use disorders.

(12) $1,000,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and $2,434,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for expenditure into the home visiting services account.

(13) $3,278,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 is provided solely for a memorandum of understanding with the department of social and health services juvenile rehabilitation administration to provide substance abuse treatment programs for juvenile offenders. Of the amounts provided in this subsection:

(a) $1,130,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 is provided solely for alcohol and substance abuse treatment programs for locally-committed offenders. The juvenile rehabilitation administration shall award these funds as described in section 203(3) of this act.

(b) $282,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 is provided solely for the expansion of evidence-based treatments and therapies as described in section 203(4) of this act.

(14) $2,500,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and $2,500,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for grants to community-based programs that provide prevention services or activities to youth, including programs for school-based resource officers. These funds must be utilized in accordance with RCW 69.50.540.

(15) ((~~$54,000 of the general fund—state appropriation for fiscal year 2016, $252,000 of the general fund—state appropriation for fiscal year 2017, and $2,232,000 of the general fund—federal appropriation are provided for~~)) Within the amounts provided in this section, regional support networks ((~~to~~)) must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision beginning in April 2016. Effective April 1, 2016, contracts with regional support networks must require that regional support networks include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the department of social and health services must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The department of social and health services must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(16) During the 2015-2017 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the department and providers rather than through contracts with behavioral health organizations. By December 1, 2016, the department must provide a report to the office of financial management and the appropriate committees of the legislature on the readiness for behavioral health organizations to assume the contracts for case management services for pregnant and parenting women.

(17) $100,000 of the general fund—state appropriation for fiscal year 2016 and $100,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for parenting education services focused on pregnant and parenting women.

(18) Within existing appropriations, the department shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(19) ((~~$1,110,000 of the general fund—federal appropriation is provided solely for a contract with the University of Washington for research on the short and long-term effects of marijuana use.~~

~~(20) $740,000~~)) $250,000 of the general fund—((~~federal~~)) state appropriation for fiscal year 2017 is provided solely for a contract with the Washington State University ((~~for research on the short and long-term effects of marijuana use~~)) for the research and development of a marijuana breathalyzer.

(20) $438,000 of the general fund—state appropriation for fiscal year 2017 and $185,000 of the general fund—federal appropriation are provided solely for implementation of Third Substitute House Bill No. 1713 (mental health, chemical dependency). If the bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(21) Within the amounts appropriated in this section, the department of social and health services and the health care authority must provide quarterly reports to the chairs of the house of representatives health care and wellness

committee, the house of representatives early learning and human services committee, the senate health care committee, and the senate human services, mental health, and housing committee on the integration of mental health and chemical dependency treatment purchasing through behavioral health organizations and the southwest Washington early adopter model. These reports must include, but are not limited to, an update on reimbursement rates and contracts for providing residential chemical dependency treatment; the numbers of referrals and length of stay for patients referred to chemical dependency treatment; the timing of authorization and payment to providers; the compatibility of patient electronic medical record data between behavioral health organizations, managed care organizations in the southwest Washington regional service area, and providers; and the status of contracted providers. Behavioral health organizations and managed care organizations in the southwest Washington regional service area must be required to immediately report when notified that a provider is in jeopardy of closure. The department and the health care authority must immediately assess whether and take actions to ensure that the behavioral health organization or managed care plans impacted by the provider closure have an adequate transition plan to maintain an adequate network and provide access to medically necessary treatment services for enrollees. These reports shall begin April 1, 2016, and end on October 31, 2016.

(22) Within existing appropriations for fiscal year 2017, the department shall conduct a two-part study of substance use provider capacity and substance use provider outcomes in the state. The provider capacity report must provide information about publicly funded providers, including their number, geographical location, populations served, and treatment methodologies employed. The provider outcome report must examine variation in client outcome for these providers using statistical models to mitigate the impact of case mix. Where possible, outcomes must be aligned with specifications developed as directed by Second Substitute Senate Bill No. 5732, (chapter 338, Laws of 2013) and Engrossed Substitute House Bill No. 1519 (chapter 320, Laws of 2013). The two reports shall be submitted to the governor and appropriate committees of the legislature by June 1, 2017.

(23) $500,000 of the criminal justice treatment account—state appropriation is provided solely to increase funding for substance abuse treatment and support services for offenders and to support drug courts.

Sec. 209. 2015 3rd sp.s. c 4 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2016) . . . . . ((~~$12,896,000~~))
$12,866,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$13,424,000~~))
$13,353,000

General Fund—Federal Appropriation . . . . . ((~~$99,251,000~~))
$98,491,000

TOTAL APPROPRIATION . . . . . ((~~$125,571,000~~))
$124,710,000

Sec. 210. 2015 3rd sp.s. c 4 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM

General Fund—State Appropriation (FY 2016) . . . . . .((~~$37,680,000~~)) $39,490,000

General Fund—State Appropriation (FY 2017) . . . . . .((~~$37,266,000~~)) $40,823,000

TOTAL APPROPRIATION . . . . . .((~~$74,946,000~~)) $80,313,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $78,000 of the general fund—state appropriation for fiscal year 2016 and $78,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to implement House Bill No. 1059 (sexually violent predators).

(2) The department shall review its current food services for the special commitment center for opportunities to consolidate and centralize, emphasizing opportunities for increased efficiency. The department shall consider consolidating and centralizing the department's institutional food service by examining: (a) Consistent daily meals across institutions; (b) off-site meal preparation and cook-chill meals; and (c) increased use of the department of correction's correctional industries institutional food service. Any food service improvements must account for special diets and consistency with established dietary intakes of the food and nutrition board of the national research council.

(3) Within the amounts provided in this section, the special commitment center must explore entering into an interagency agreement with the University of Washington. The interagency agreement would allow the department to receive drug pricing under 340B of the public health services act for drug purchases associated with treating patients with hepatitis C or other diseases, whereby the university is acting as the covered entity or safety-net provider. In cooperation with the University of Washington, the special commitment center must provide an estimate of the fiscal impact of a successful agreement of this nature, to be included in the report provided to the legislature under section 606 of this act.

(4) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(5) $15,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of a memorandum of understanding between the governor and the service employees international union healthcare 1199nw amending the collective bargaining under chapter 41.80 RCW for the 2015-2017 fiscal biennium as set forth in section 902 of this act. The legislature recognizes that the memorandum of understanding was necessitated by an emergency and an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees.

Sec. 211. 2015 3rd sp.s. c 4 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund—State Appropriation (FY 2016) . . . . . ((~~$32,668,000~~)) $34,207,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$33,667,000~~)) $34,533,000

General Fund—Federal Appropriation . . . . . ((~~$38,282,000~~)) $41,153,000

General Fund—Private/Local Appropriation $654,000

TOTAL APPROPRIATION . . . . . ((~~$105,271,000~~)) $110,547,000

The appropriations in this section are subject to the following conditions and limitations: $300,000 of the general fund—state appropriation for fiscal year 2016 and $300,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a Washington state mentoring organization to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

Sec. 212. 2015 3rd sp.s. c 4 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund—State Appropriation (FY 2016) . . . . . ((~~$64,440,000~~)) $72,717,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$61,766,000~~)) $76,957,000

General Fund—Federal Appropriation . . . . . ((~~$53,238,000~~)) $58,973,000

TOTAL APPROPRIATION . . . . . ((~~$179,444,000~~)) $208,647,000

The appropriations in this section are subject to the following conditions and limitations: $8,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to implement chapter 240, Laws of 2015 (extended foster care).

Sec. 213. 2015 3rd sp.s. c 4 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

During the 2015-2017 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

((~~Information technology projects and proposed projects for time capture, payroll and payment processes, and eligibility and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer~~)) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment

processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecasts and utilization assumptions, the authority, after May 1, 2016, may transfer general fund—state appropriations for fiscal year 2016 that are provided solely for a specified purpose. The authority shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) MEDICAL ASSISTANCE

General Fund—State Appropriation (FY 2016) . . . . . ((~~$1,937,491,000~~)) $1,950,827,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$1,934,895,000~~)) $2,054,119,000

General Fund—Federal Appropriation . . . . . ((~~$11,559,063,000~~)) $11,217,550,000

General Fund—Private/Local Appropriation . . . . . .((~~$77,619,000~~)) $70,787,000

Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation $15,086,000

Hospital Safety Net Assessment Account—State Appropriation. $689,942,000

Medicaid Fraud Penalty Account—State Appropriation $18,491,000

((~~State Health Care Authority Administration Account—State Appropriation . . . . . $790,000~~))

Medical Aid Account—State Appropriation $528,000
Dedicated Marijuana Account—State Appropriation
(FY 2016). . . . . ((~~$5,351,000~~))
$7,791,000
Dedicated Marijuana Account—State Appropriation
(FY 2017). . . . . ((~~$12,520,000~~))
$12,979,000
State Health Care Authority Administration Account—State Appropriation. $106,000
TOTAL APPROPRIATION . . . . . ((~~$16,251,776,000~~))
$16,038,206,000

The appropriations in this section are subject to the following conditions and limitations:

(a) $35,794,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for medicaid services based on the February caseload and medicaid forecasts contingent upon: (i) Transfer of the medicaid forecast function to the office of financial management, by July 1, 2016; (ii) the authority executing necessary, timely data sharing agreements with the office of the state actuary; (iii) the authority providing support and data as required by the office of the state actuary necessary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority; (iv) transfer of the administration of the managed care actuarial rate setting contract from the authority to the office of financial management; and (v) the authority consulting with the medical assistance forecast work group prior to accepting the actuarial contractor's managed care rate recommendations.

(b) $121,599,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for holding medicaid managed care capitation rates flat at calendar year 2016 levels in state fiscal year and calendar year 2017. To achieve this target, the authority shall engage with a group composed of the office of financial management, the medicaid forecast work group, and the managed care plans on a range of strategies developed both by the authority and the group. The authority shall obtain actuarial analysis, support, and recommendations during this process, and the state actuary shall obtain independent actuarial analysis. By August 1, 2016, the authority shall present the progress made on the initiative to the joint select committee on health care, identifying any possible changes in statute needed to achieve the goal and the possible impacts on clients. The authority shall complete the plan and report to the appropriate committees of the legislature by October 1, 2016.

(c) $1,894,672,000 of the general fund—state appropriation for fiscal year 2016 and $1,915,233,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for medicaid services and the medicaid program. However, the authority shall not accept or expend any federal funds received under a medicaid transformation demonstration waiver currently being sought under healthier Washington, except as described in (d) through (g) of this subsection, until specifically approved and appropriated by the legislature.

(d) No more than $127,336,000 of the general fund—federal appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration waiver currently being sought under healthier Washington, including preventing youth drug use. The authority shall not increase general fund—state expenditures on this initiative. The authority shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the manner, form, and time requested by the legislative fiscal committees.

(e) No more than $5,223,000 of the general fund—federal appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver currently being sought under healthier Washington. The authority shall not increase general fund—state expenditures on this initiative. The authority shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the manner, form, and time requested by the legislative fiscal committees.

(f) No more than $9,425,000 of the general fund—federal appropriation may be expended for supportive housing services described in initiative 3(a) of the medicaid transformation demonstration waiver currently being sought under healthier Washington. The authority shall not increase general fund—state expenditures on this initiative. The authority shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the manner, form, and time requested by the legislative fiscal committees.

(g) No more than $5,567,000 of the general fund—federal appropriation may be expended for supportive employment services described in initiative 3(b) of the medicaid transformation demonstration waiver currently being sought under healthier Washington. The authority shall not increase general fund—state expenditures on this initiative. The authority shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the manner, form, and time requested by the legislative fiscal committees.

(h) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

((~~(b)~~)) (i) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

((~~(c)~~)) (j) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services

to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(((~~d~~))) (k) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(((~~e~~))) (l) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(((~~f~~))) (m) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(((~~g~~))) (n) $4,261,000 of the general fund—state appropriation for fiscal year 2016, $4,261,000 of the general fund—state appropriation for fiscal year 2017, and $8,522,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

(((~~h~~))) (o) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(((~~i~~))) (p) $6,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(((~~j~~))) (q) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2015-2017 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2015, and by November 1, 2016, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to

maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2016 and fiscal year 2017, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2015-2017 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2015-2017 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. ((~~$16,664,000~~)) $14,014,000 of the general fund—state appropriation for fiscal year 2016 and ((~~$8,170,000~~)) $9,700,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for state grants for the participating hospitals.

(((~~k~~))) (r) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(((~~l~~))) (s) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity

support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(((~~(m)~~))) (t) Within the amounts appropriated in this section, the authority shall identify strategies to improve patient adherence to treatment plans for diabetes and implement these strategies as a pilot through one health home program to be identified by the authority. The authority shall report to the governor and legislature in December 2015 on patient outcomes and cost savings derived from new adherence strategies in the health home model and make recommendations for improving the strategies.

(((~~(n)~~))) (u) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(((~~(o)~~))) (v) $88,000 of the medicaid fraud penalty account—state appropriation and $567,000 of the general fund—federal appropriation are provided solely to implement the conversion to the tenth version of the world health organization's international classification of diseases.

(((~~(p)~~))) (w) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

(((~~(q)~~))) (x) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(((~~(r)~~))) (y) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. No later than October 1, 2015, the health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

(((~~(s)~~))) (z) $90,000 of the general fund—state appropriation for fiscal year 2016, $90,000 of the general fund—state appropriation for fiscal year 2017, and $180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(((~~(t)~~))) (aa) The appropriations in this section reflect savings and efficiencies by transferring children receiving medical care provided through fee-for-service to medical care provided through managed care.

(((~~(u)~~))) (bb) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(((~~(v)~~))) (cc) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

(((~~(w)~~))) (dd) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening,

brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

((~~(x)~~)) (ee) $227,000 of the general fund—state appropriation for fiscal year 2016, $461,000 of the general fund—state appropriation for fiscal year 2017, and $734,000 of the general fund—federal appropriation are provided solely to implement Substitute Senate Bill No. 5317 (enhanced autism screening - bright futures).

((~~(y)~~)) (ff) $4,278,000 of the general fund—private/local appropriation and $9,835,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 2007 (emergency medical transportation).

((~~(z)~~)) (gg) Within amounts appropriated in this section, the health care authority shall conduct a review of its adult dental program in cooperation with and utilizing resources from Washington dental services foundation. The authority shall develop a plan to implement an expanded oral health care program for adults with diabetes and pregnant women. A report summarizing the authority's implementation plan and an estimation of cost savings must be submitted to the governor and the appropriate committees of the legislature by December 1, 2015.

((~~(aa)~~)) (hh) No more than ((~~$1,175,000~~)) $452,000 of the general fund—state appropriation for fiscal year 2016 and no more than $723,000 of the general fund—state appropriation for fiscal year 2017 may be expended for reimbursement for nonhospital based rural health clinics auditing costs to complete annual payment reconciliations for calendar years 2011-2013 as required under 42 U.S.C. Sec. 1396a (bb)(5)(A). The department shall use the agreed-upon procedures to complete the reconciliations. Nonhospital-based clinics shall be reimbursed for the cost of auditing using the agreed-upon procedures for payment reconciliation for this time period only.

((~~(bb)~~)) (ii) The appropriations in this section represent a transfer of expenditure authority of $2,333,000 of the general fund—federal appropriation for fiscal year 2016 and $1,782,000 of the general fund—federal appropriation for fiscal year 2017 to the office of financial management to implement Engrossed Substitute Senate Bill No. 5084 (all payer claims database).

((~~(cc)~~)) (jj) Pursuant to RCW 41.06.142(3), the authority shall implement a pilot program within existing resources to understand the nature and depth of potential fraud, waste, and abuse and the creation of operational efficiencies within the provider and beneficiary system. The pilot program shall examine streamlining provider enrollment and compliance within the current affordable care act screening requirements and include a post-enrollment review of those currently enrolled in medicaid to determine if there have been changes in demographics, including but not limited to becoming deceased, incarcerated, or residing out of state. The pilot program shall be conducted by the authority in partnership with a third-party vendor that uses national public records data as well as provider-specific data. The authority shall prepare a report to the governor and legislative fiscal committees by December 15, 2015.

((~~(dd)~~)) (kk) Within amounts appropriated in this section, the health care authority shall conduct a review of its federally qualified health center encounter rates and rural health center encounter rates in comparison to current uniform medical plan rates for the same or similar services. The authority shall consult with the centers for medicare and medicaid services to determine whether

federally qualified encounter rates may be adjusted to uniform medical plan rates as a reasonable proxy to cost. The authority must submit a report to the governor and the appropriate committees of the legislature that includes which encounter rates exceed uniform medical rates, the amount by which the rates are exceeded, and the annual cost of paying above uniform medical rates. The report shall also include the steps the authority has taken with the centers for medicare and medicaid services to ensure that rates bear a reasonable relationship to costs incurred by efficiently and economically operated facilities, including whether uniform medical plan or commercial rates may be considered a reasonable proxy to cost. The report must be submitted by January 1, 2016. By September 15, 2016, the authority is directed to directly consult with the centers for medicaid and medicare services to determine whether federally qualified encounter rates may be adjusted to uniform medical plan rates as a reasonable proxy to cost and resubmit the report to include the results of this consultation.

(((~~(ee)~~))) (ll) $1,035,000 of the general fund—state appropriation for fiscal year 2016, $965,000 of the general fund—state appropriation for fiscal year 2017, and $1,846,000 of the general fund—federal appropriation are provided solely for customer service staff to reduce call wait times and improve the number of calls answered by the authority.

(((~~(ff)~~))) (mm) $386,000 of the general fund—state appropriation for fiscal year 2016, $361,000 of the general fund—state appropriation for fiscal year 2017, and $2,018,000 of the general fund—federal appropriation are provided solely for additional staff to support timely resolution of eligibility-related issues for medicaid clients.

(((~~(gg)~~))) (nn)(i) $123,000 of the general fund—state appropriation for fiscal year 2016, $118,000 of the general fund—state appropriation for fiscal year 2017, $48,000 of the state health care authority administrative account—state appropriation, and $312,000 of the general fund—federal appropriation are provided solely to establish the bleeding disorder collaborative for care.

(ii) The collaborative must consist of three representatives from the authority, three representatives from the largest organization in Washington representing patients with bleeding disorders, two representatives from state designated bleeding disorder centers of excellence, and two representatives of federally funded hemophilia treatment centers based in Washington. The collaborative may invite the participation of other persons with expertise that may assist the collaborative in its responsibilities. The collaborative shall adopt a transparent process that allows for public comment prior to the final adoption of any evidence-based practice.

(iii) The collaborative shall:

(A) Identify and develop evidence-based practices to improve care to patients with bleeding disorders with specific attention to health care cost reduction. To the extent that evidence-based practices are unavailable, the collaborative shall research and create the practices or compile the necessary information. In the event that research on evidence is incomplete, the collaborative may consider research-based practices or emerging best practices;

(B) Make recommendations regarding the dissemination of the evidence-based practices to relevant health care professionals and support service providers and propose options for incorporating evidence-based practices into their treatment regimens; and

(C) Assist the authority in the development of a cost-benefit analysis regarding the use of evidence-based practices for specific populations in state-purchased health care programs.

(iv) The authority shall report to the governor and the legislature by September 1, 2016, regarding the evidence-based practices that have been developed, the clinical and fiscal implications of their implementation, and a strategy for disseminating the practices and incorporating their use among health care professionals in various state-financed health care programs.

((~~(hh)~~)) (oo) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(pp) In collaboration with the state hospital association, the authority shall develop and implement a process to review hospital cost report information for new, in-state hospital psychiatric inpatient services that have not had provider specific costs and determine the hospital-specific per diem rate as currently defined for existing providers of psychiatric inpatient services. As a result of this action, the authority shall not incur expenditures in the current biennium. The authority shall report to the office of financial management and appropriate committees of the legislature the following information no later than October 1, 2017:

(i) The number of potential new psychiatric beds;

(ii) The number of potential new psychiatric beds that were previously designated as acute beds;

(iii) The total estimated costs for all new potential psychiatric beds;

(iv) The potential savings or expenditures derived from change in bed type usage; and

(v) The state fiscal years in which potential costs and savings are likely to incur.

(qq) To further the goals of better care, better health outcomes, and reduced per capita costs of health care, the authority shall review its reimbursement methods and rates for births performed at birth centers. The authority shall report to the governor and appropriate committees of the legislature by October 15, 2016, with recommendations for adjusting reimbursement methods and levels, improving access to care, improving the cesarean section rate, and savings options for utilizing birth centers as an alternative to hospitals.

(rr) The authority shall submit reports to the governor and the legislature by September 15, 2016, and by September 15, 2017, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(ss) Within amounts appropriated in this section, the authority shall implement Substitute Senate Bill No. 6430 (continuity of care) to update the

ProviderOne and HealthPlanFinder systems to allow suspension rather than termination of medical assistance benefits for persons who are incarcerated or committed to a state hospital subject to the same conditions, limitations, and review provided in section 705 (3) through (6), chapter 4, Laws of 2015 3rd sp. sess. (Engrossed Substitute Senate Bill No. 6052).

(tt) Within amounts appropriated within this section, the authority is directed to increase reimbursement rates for licensed practical nurses and registered nurses providing skilled nursing services in a home setting by $10.00 per hour. This increase shall be offset by decreases in inpatient hospitalization. The authority is directed to work in collaboration with the home health association and the Washington state hospital association to develop a plan to show how improved access to home health nursing reduces potentially preventable readmissions, increases access to care, reduces hospital length of stay, and prevents overall hospital admissions for clients receiving private-duty nursing, medically intensive care, or home health benefits. The authority shall submit a report to the governor and appropriate committees of the legislature by December 15, 2016, with details of this plan.

(uu) The appropriations in this section include specific funds for the purpose of implementing Engrossed Second Substitute House Bill No. 2439 (youth mental health).

(vv) Within the amounts appropriated in this section, the health care authority in cooperation with the Washington dental services foundation, the Washington state dental association, and other interested stakeholders shall develop a plan to increase access to care by expanding the medicaid dental network through contracting out the administration of the medicaid dental program. This plan shall include but not be limited to engaging dental expertise in the administration, improving the provider and patient experience, aligning the benefit package with evidence-based care, and beginning to test innovative models of delivery consistent with the goals of the healthier Washington initiative. The authority shall also review options to include contracting with one or more medicaid managed care plans or a third-party administrator. The report summarizing the authority's implementation plan and an estimate of the cost to execute this plan must be submitted to the governor and the appropriate committees of the legislature by December 1, 2016. The plan shall not be implemented until specifically authorized by the legislature.

(ww) $608,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to implement the provider access line (PAL) plus pilot program. For purposes of the PAL plus pilot program, the authority shall work in collaboration with faculty from the University of Washington working on the integration of mental health and medical care.

(i) The PAL plus service is targeted to help children and families with medicaid coverage who have mental health concerns not already being served by the regional support network system or other local specialty care providers, and who instead receive treatment from their primary care providers. Services must be offered by regionally based and multipractice shared mental health service providers who deliver in person and over the telephone the following services upon primary care request:

(A) Evaluation and diagnostic support;

(B) Individual patient care progress tracking;

(C) Behavior management coaching; and

(D) Other evidence supported psychosocial care supports which are delivered as an early and easily accessed intervention for families.

(ii) The PAL team of child psychiatrists and psychologists shall provide mental health service providers with training and support, weekly care plan reviews and support on their caseloads, and direct patient evaluations for selected enhanced assessments, and must utilize a shared electronic reporting and tracking system to ensure that children not improving are identified as such and helped to receive additional services. The PAL team shall promote the appropriate use of cognitive behavioral therapies and other treatments which are empirically supported or evidence-based and encourage providers to use psychotropic medications as a last resort.

(iii) The authority shall monitor PAL plus service outcomes, including, but not limited to:

(A) Characteristics of the population being served;

(B) Process measures of service utilization;

(C) Behavioral health symptom rating scale outcomes of individuals and aggregate rating scale outcomes of populations of children served;

(D) Claims data comparison of implementation versus non-implementation regions;

(E) Service referral patterns to local specialty mental health care providers; and

(F) Family and provider feedback.

(iv) By December 31, 2017, the authority shall make a preliminary evaluation of the viability of a statewide PAL plus service program and report to the appropriate committees of the legislature, with a final evaluation report due by December 31, 2018. The final report must include recommendations on sustainability and leveraging funds through behavioral health and managed care organizations.

(2) PUBLIC EMPLOYEES BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAMS

State Health Care Authority Administration Account—

State Appropriation . . . . . ((~~$38,983,000~~)) $38,701,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) $162,000 of the state health care authority administration account—state appropriation is for the health care authority to work with participating employers to minimize employer penalties that may be incurred by employers not providing health benefit coverage for part-time employees that are defined as full-time employees under the employer shared responsibility provisions of the federal affordable care act.

(b)(i) The state employer contribution for state employee insurance benefits is reduced for fiscal year 2017 from $894 per month to $888 per month. Reductions are achieved while maintaining fully funded reserves through the use of accumulated surplus funds due to reduced claims costs, and reduced litigation costs due to the settlement of the litigation in the four *Moore, et al. v. Health Care Authority and the state of Washington* cases. The authority is required to

review the effectiveness of the wellness program known as smarthealth, and report to the appropriate committees of the legislature on the effectiveness of the wellness program on a quarterly basis beginning no later than June 30, 2016. The effectiveness report shall include information on the contractors' communication strategies, rates of employee engagement, and the identification and quarterly measurement of employee wellness outcome criteria, such as the rates of sick leave use and of improvements in chronic medical conditions among wellness plan participants. Prior to procuring contracts for health insurance and services for the 2017 calendar year, the authority shall also present the findings on the effectiveness of the wellness plan, including per plan member and per wellness plan-participant costs of the wellness program at a public meeting of the public employees' benefits board.

(ii) The authority and the public employees' benefits board shall consult with the Washington state institute for public policy on the cost-effectiveness of the wellness plan and any changes to the plan that can be made to increase the health care efficiency of the wellness plan.

(iii) The authority and the public employees' benefits board shall ensure that procurement for employee health benefits during the 2017-2019 fiscal biennium is consistent with the funding limitations provided in sections 908 through 910 of this act.

(3) HEALTH BENEFIT EXCHANGE

General Fund—State Appropriation (FY 2016) . . . . . ((~~$5,872,000~~)) $5,942,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$5,146,000~~)) $5,184,000

General Fund—Federal Appropriation . . . . . ((~~$40,427,000~~)) $49,410,000

Health Benefit Exchange Account—State Appropriation . . . . . ((~~$58,567,000~~)) $50,503,000

TOTAL APPROPRIATION . . . . . ((~~$110,012,000~~)) $111,039,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(b) $4,755,000 of the health benefit exchange account—state appropriation and $5,069,000 of the general fund—federal appropriation are provided solely for the customer service call center.

(c) $577,000 of the general fund—state appropriation for fiscal year 2016, $810,000 of the general fund—state appropriation for fiscal year 2017, $3,606,000 of the health benefit exchange account—state appropriation, and $1,389,000 of the general fund—federal appropriation are provided solely for in-person assisters and outreach to help individuals and families complete applications for health coverage.

(d) $1,417,000 of the health benefit exchange account—state appropriation and $8,218,000 of the general fund—federal appropriation are provided solely to fund the design, development, implementation, operation, and maintenance of the health benefit exchange's information technology systems.

(e) The authority shall require the exchange to submit to the authority and the appropriate committees of the legislature by September 30, 2015, and September 30, 2016, a detailed report including:

(i) Salaries of all current employees of the exchange, including starting salary, any increases received, and the basis for any increases; and

(ii) Salary, overtime, and compensation policies for staff of the exchange.

(f) The authority shall require the exchange to submit to the authority and the appropriate committees of the legislature on a monthly basis:

(i) A report of all expenses; and

(ii) Beginning and ending fund balances, by fund source; and

(iii) Any contracts or contract amendments signed by the exchange; and

(iv) An accounting of staff required to operate the exchange broken out by full time equivalent positions, contracted employees, temporary staff, and any other relevant designation that indicates the staffing level of the exchange.

(g)(i) By July 31, 2016, the authority shall make a payment of half the general fund—state appropriation for fiscal year 2017 and half the health benefit exchange account—state appropriation to the health benefit exchange. By January 31, 2017, the authority shall make a payment of the remaining half of the general fund—state appropriation for fiscal year 2017 and the remaining half of the health benefit exchange account—state appropriation to the health benefit exchange.

(ii) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(iii) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(iv) As the state designated medicaid agency, the authority is responsible for maximizing the recovery of federal medicaid dollars and the timely application and follow-up for obtaining federal approval of advanced planning documents (APD). The authority shall work with the exchange to submit an APD that maximizes the recovery of medicaid costs incurred by the exchange, including indirect administrative and operational costs, no later than sixty days after the enactment of the omnibus appropriations act each year.

(h) $70,000 of the general fund—state appropriation for fiscal year 2016, $38,000 of the general fund—state appropriation for fiscal year 2017, $204,000 of the health benefit exchange account—state appropriation, and $110,000 of the general fund—federal appropriation are provided solely for improvements to the health benefit exchange financial system.

Sec. 214. 2015 3rd sp.s. c 4 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund—State Appropriation (FY 2016) . . . . . ((~~$2,074,000~~)) $2,091,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$2,094,000~~)) $2,092,000

General Fund—Federal Appropriation . . . . . ((~~$2,308,000~~)) $2,307,000

TOTAL APPROPRIATION . . . . . ((~~$6,476,000~~)) $6,490,000

Sec. 215. 2015 3rd sp.s. c 4 s 215 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account—State Appropriation $10,000

Accident Account—State Appropriation . . . . . ((~~$20,857,000~~)) $20,864,000

Medical Aid Account—State Appropriation . . . . . ((~~$20,857,000~~)) $20,864,000

TOTAL APPROPRIATION . . . . . ((~~$41,724,000~~)) $41,738,000

Sec. 216. 2015 3rd sp.s. c 4 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—State Appropriation (FY 2016) . . . . . ((~~$18,478,000~~)) $18,996,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$17,392,000~~)) $17,543,000

General Fund—Private/Local Appropriation . . . . . ((~~$4,391,000~~)) $4,745,000

Death Investigations Account—State Appropriation $148,000

24/7 Sobriety Account—State Appropriation $30,000

Municipal Criminal Justice Assistance Account—State Appropriation $460,000

Washington Auto Theft Prevention Authority Account—State Appropriation . . . . . ((~~$8,168,000~~)) $7,668,000

TOTAL APPROPRIATION . . . . . ((~~$49,067,000~~)) $49,590,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $5,000,000 of the general fund—state appropriation for fiscal year 2016 and $5,000,000 of the general fund—state appropriation for fiscal year 2017, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130. The association ((~~shall~~)) may use no more

than $50,000 per fiscal year of the amounts provided on program management activities.

(2) ((~~$558,720~~)) $605,280 of the general fund—local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) $100,000 of the general fund—state appropriation for fiscal year 2016 and $100,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a school safety program. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel hired after the effective date of this section.

(5) $96,000 of the general fund—state appropriation for fiscal year 2016 and $96,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the school safety center within the commission. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(6) $123,000 of the general fund—state appropriation for fiscal year 2016 and $123,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the costs of providing statewide advanced driving training with the use of a driving simulator.

(7) $644,000 of the general fund—state appropriation for fiscal year 2016 and $595,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of Second Substitute Senate Bill No. 5311 (crisis intervention training).

(8) $250,000 of the general fund—state appropriation for fiscal year 2016 and $250,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the criminal justice training commission to develop and deliver research-based programs to instruct, guide, and support local law enforcement agencies in fostering the "guardian philosophy" of policing, which emphasizes de-escalating conflicts and reducing the use of force.

(9) $429,000 of the general fund—state appropriation for fiscal year 2016 and $429,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for deposit into the nonappropriated Washington internet crimes against children account for the implementation of Second Substitute Senate Bill No. 5215 (internet crimes against children).

(10) $300,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to the Washington association of sheriffs and police chiefs to fund pilot projects for law enforcement agencies in Spokane, Spokane Valley, and Spokane County to set up auto theft task forces in high risk locations and increase the use of teams devoted to combating residential burglary.

(11) $5,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the purpose of implementing House Bill No. 1448 (suicide threat response).

Sec. 217. 2015 3rd sp.s. c 4 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund—State Appropriation (FY 2016) . . . . . ((~~$16,331,000~~)) $16,307,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$17,640,000~~)) $17,611,000

General Fund—Federal Appropriation $11,876,000

Asbestos Account—State Appropriation $1,177,000

Electrical License Account—State Appropriation . . . . . ((~~$48,147,000~~)) $48,157,000

Farm Labor Contractor Account—State Appropriation $28,000

Worker and Community Right-to-Know Account—State Appropriation . . . . . ((~~$938,000~~)) $972,000

Public Works Administration Account—State Appropriation . . . . . ((~~$6,360,000~~)) $7,629,000

Manufactured Home Installation Training Account—State Appropriation $355,000

Accident Account—State Appropriation . . . . . ((~~$278,575,000~~)) $281,472,000

Accident Account—Federal Appropriation $13,626,000

Medical Aid Account—State Appropriation . . . . . ((~~$292,095,000~~)) $296,297,000

Medical Aid Account—Federal Appropriation $3,186,000

Plumbing Certificate Account—State Appropriation . . . . . ((~~$1,784,000~~)) $1,783,000

Pressure Systems Safety Account—State Appropriation $4,250,000

TOTAL APPROPRIATION . . . . . ((~~$696,368,000~~)) $704,726,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $250,000 of the general fund—state appropriation for fiscal year 2016 and $250,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 100, Laws of 2015 (Substitute Senate Bill No. 5897).

(2) $2,300,000 of the medical aid account—state appropriation is provided solely for implementation of chapter 137, Laws of 2015 (Substitute House Bill No. 1496).

(3) $494,000 of the medical aid account—state appropriation and $1,580,000 of the accident fund—state appropriation are provided solely for continuation of the logger safety initiative.

(4) $4,923,000 of the medical aid account—state appropriation and $4,924,000 of the accident fund—state appropriation are provided solely for the first phase of the department's plan to replace its labor and industries industrial insurance information technology system subject to the same conditions, limitations, and review provided in section 705 (3) through (6) of this act.

(5) $3,548,000 of the electrical license account—state appropriation is provided solely for the department to develop a modern and mobile information technology system for its electrical inspection program subject to the same conditions, limitations, and review provided in section 705 (3) through (6) of this act.

(6) The department is directed under RCW 39.12.070 to adjust its fee schedule for statements of intent to pay prevailing wages and certification of affidavits of wages paid to remove or lower fees for contractors and subcontractors whose contract amounts are less than seven hundred fifty dollars beginning on January 1, 2016.

(7) $140,000 of the public works administration account—state appropriation is provided solely for implementation of chapter 40, Laws of 2015 3rd sp. sess. to create an electronic option for employers to submit prevailing wage surveys.

(8) $640,000 of the medical aid account—state appropriation is provided solely for a pilot program under which the department partners with an experienced firm or firms to manage care involving catastrophically injured workers.

(a) For each injured worker referred by the department the firm must propose a contract identifying a case outcome, the treatment needed to achieve it, and a fixed price for doing so.

(b) If the department agrees to the contract: (i) The firm must assume responsibility at the fixed price for the medical management and may include all medical costs until the outcome is achieved; (ii) the department retains the authority to approve or deny particular treatments; and (iii) the department retains the responsibility to accept and pay providers' actual bills, and the firm's compensation will be the difference between the fixed price and actual medical costs, if the firm chooses to propose a contract that includes medical costs.

(c) The department must contract with the firm or firms to manage at least twelve catastrophic cases each fiscal year, starting in fiscal year 2017, provided there is at least that many cases where: (i) An injured worker elects to be served by the firm; and (ii) the fixed price proposed by the firm is lower than the amount the department would pay to achieve the identified outcome if it did not contract with the firm.

(d) The department must provide a written report on the pilot program to the appropriate committees of the legislature in December 2016 and annually through December 2019 or the last December following termination of the contacts by the firm or firms or department.

(9) $1,130,000 of the public works administration account—state appropriation is provided solely for the department's prevailing wage technology project subject to the same conditions, limitations, and review provided in section 705 (3) through (6), chapter 4, Laws of 2015 3rd sp. sess. (Engrossed Substitute Senate Bill No. 6052).

(10) $738,000 of the medical aid account—state appropriation is provided solely to expand the use of evidence-based best practices to reduce the risk of long-term disabilities among injured workers. By December 1, 2016, the department must report to the appropriate committees of the legislature with performance measures and metrics to be used to evaluate whether the funded activities are improving care and outcomes for injured workers.

Sec. 218. 2015 3rd sp.s. c 4 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund—State Appropriation (FY 2016) . . . . . ((~~$1,806,000~~)) $1,810,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$1,835,000~~)) $2,662,000

Charitable, Educational, Penal, and Reformatory Institutions Account—State Appropriation $10,000

TOTAL APPROPRIATION . . . . . ((~~$3,651,000~~)) $4,482,000

(2) FIELD SERVICES

General Fund—State Appropriation (FY 2016) . . . . . ((~~$5,449,000~~)) $5,465,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$5,465,000~~)) $5,526,000

General Fund—Federal Appropriation . . . . . ((~~$3,599,000~~)) $3,628,000

General Fund—Private/Local Appropriation . . . . . ((~~$4,597,000~~)) $4,622,000

Veteran Estate Management Account—Private/Local Appropriation . . . . . ((~~$1,154,000~~)) $623,000

TOTAL APPROPRIATION . . . . . ((~~$20,264,000~~)) $19,864,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) $300,000 of the general fund—state appropriation for fiscal year 2016 and $300,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to provide crisis and emergency relief and education, training, and employment assistance to veterans and their families in their communities through the veterans innovation program.

(b) The creation of an automated exchange of information between the federal department of defense, federal veterans administration, and the Washington department of veterans affairs is the sole project for the Washington

department of veterans affairs in the information technology pool. Ongoing funding may be provided for staffing, training, and subscription costs associated with a web-based software tool that has been configured to meet the business requirements of the Washington department of veterans affairs. Additional information technology projects, such as the complete automation of the Washington department of veterans affairs business processes through an enterprise case management system, are subject to future funding decisions by the legislature. The conditions and limitations in this subsection apply only if the specified project is funded from the information technology pool.

(3) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2016) . . . . . ((~~$688,000~~)) $697,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$815,000~~)) $796,000

General Fund—Federal Appropriation . . . . . ((~~$79,699,000~~)) $80,104,000

General Fund—Private/Local Appropriation . . . . . ((~~$29,613,000~~)) $29,781,000

TOTAL APPROPRIATION . . . . . ((~~$110,815,000~~)) $111,378,000

Sec. 219. 2015 3rd sp.s. c 4 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund—State Appropriation (FY 2016) . . . . . ((~~$57,875,000~~)) $57,958,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$58,931,000~~)) $60,149,000

General Fund—Federal Appropriation . . . . . ((~~$548,374,000~~)) $564,025,000

General Fund—Private/Local Appropriation . . . . . ((~~$151,143,000~~)) $151,242,000

Hospital Data Collection Account—State Appropriation. . . . . ((~~$231,000~~)) $331,000

Health Professions Account—State Appropriation . . . . . ((~~$115,892,000~~)) $120,788,000

Aquatic Lands Enhancement Account—State Appropriation $615,000

Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation. . . . . ((~~$11,226,000~~)) $9,226,000

Safe Drinking Water Account—State Appropriation . . . . . ((~~$6,930,000~~)) $6,934,000

Drinking Water Assistance Account—Federal Appropriation. . . . . ((~~$15,360,000~~)) $17,364,000

Waterworks Operator Certification—State Appropriation. . . . . ((~~$1,605,000~~)) $1,606,000

Drinking Water Assistance Administrative Account—

State Appropriation $357,000
Site Closure Account—State Appropriation. $162,000
Biotoxin Account—State Appropriation $1,894,000
State Toxics Control Account—State Appropriation . . . . . ((~~$5,958,000~~))
$4,037,000
Medical Test Site Licensure Account—State
Appropriation. . . . . ((~~$2,512,000~~))
$2,516,000
Youth Tobacco Prevention Account—State Appropriation . . . . . ((~~$1,281,000~~))
$2,962,000
Public Health Supplemental Account—Private/Local
Appropriation. $3,244,000
Accident Account—State Appropriation $324,000
Medical Aid Account—State Appropriation $53,000
Medicaid Fraud Penalty Account—State
Appropriation. . . . . ((~~$968,000~~))
$994,000
Dedicated Marijuana Account—State
Appropriation (FY 2016). $7,500,000
Dedicated Marijuana Account—State
Appropriation (FY 2017). $7,500,000
TOTAL APPROPRIATION . . . . . ((~~$999,935,000~~))
$1,021,781,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) $130,000 of the health professions state account—state appropriation is provided solely for implementation of chapter 118, Laws of 2015 (applied behavior analysis).

(3) $38,000 of the general fund—state appropriation for fiscal year 2016 and $38,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the department of health, the department of social and health services, and the health care authority to continue to collaborate to submit a coordinated report on diabetes to the governor and appropriate committees of the legislature by June 30, 2017. The report on diabetes must include the following:

(a) An analysis of the financial impact and reach that diabetes of all types is having on programs administered by each agency and individuals enrolled in those programs, including:

(i) The number of individuals with diabetes that are impacted or covered by these programs;

(ii) The number of family members of individuals with diabetes that are impacted by these programs;

(iii) The financial toll or impact that diabetes and its complications places on these programs, and how the financial toll or impact compares to that of other chronic diseases and conditions;

(b) An assessment of the benefits of programs and activities implemented by the agencies to control and prevent diabetes, including documentation of the amount and source of the agencies' funding for these programs and activities;

(c) A description of the level of coordination existing between the agencies on activities, programmatic activities, and messaging on managing, treating, or preventing all forms of diabetes and its complications;

(d) The development of or revision to each agency's action plan for addressing the impact of diabetes together with a range of actionable items for either each agency or consideration by the legislature, or both. The plans must, at a minimum:

(i) Identify proposed action steps to reduce the impact of diabetes, prediabetes, and related diabetes complications, especially for medicaid populations;

(ii) Identify expected outcomes in subsequent biennia; and

(iii) Establish benchmarks for controlling and preventing relevant forms of diabetes and appropriate measures for success;

(e) An estimate of the costs, return on investment, and resources required to implement the plans identified in subsection (d) of this section.

(4) $30,000 of the medicaid fraud penalty account—state appropriation is provided solely for implementation of chapter 259, Laws of 2015 (prescription drug monitoring).

(5) $4,015,000 of the health professions account—state appropriation is provided solely for implementation of chapter 70, Laws of 2015 (cannabis patient protection).

(6) $7,250,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and $7,250,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for a marijuana education and public health program and for tobacco prevention activities that target youth and populations with a high incidence of tobacco use.

(7) $250,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and $250,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for a contract with the Washington poison center to help maintain national accreditation standards.

(8) $65,000 of the general fund—state appropriation for fiscal year 2016 and $65,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(9) During the 2015-2017 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(10)(a) Within existing resources, the department of health shall compile a report on ambulatory surgical facilities to be submitted to the appropriate committees of the legislature by January 1, 2016. The report shall determine:

(i) How many ambulatory centers are currently functioning in the state;

(ii) How many cases these centers receive annually;

(iii) How many of these centers are medicare certified;

(iv) How many of these centers are not medicare certified; and

(v) How many are also certified by an accrediting organization.

(b) The department shall not increase current annual fees for new or renewed licenses for ambulatory surgical facilities during the 2015-2017 fiscal biennium.

(11)(a) The pharmacy quality assurance commission shall engage in a stakeholder process to develop statutory standards and protocols specific to long-term care pharmacies and shall submit the proposed statute to the senate health care committee and house health care and wellness committee no later than November 15, 2015.

(b) When inspecting and reviewing long-term care pharmacies, the pharmacy quality assurance commission and the department of health shall recognize the applicability of medication orders in long-term care facilities and recognize the essential relationship between the practitioner, the long-term care facility registered nurse, and the pharmacist in conveying chart orders to the long-term care pharmacy.

(12) $52,000 of the health professions account—state appropriation is provided solely for implementation of chapter 159, Laws of 2015 (victim interviews training).

(13) ((~~Information technology projects and proposed projects for time capture, payroll and payment processes, and eligibility and authorization systems within the department of health are subject to technical oversight by the office of the chief information officer~~)) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of health are subject to technical oversight by the office of the chief information officer.

(14) $1,923,000 of the state toxics control account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1472 (chemical action plans), Second Substitute Senate Bill No. 5056 (safer chemicals/action plans), Substitute Senate Bill No. 6131 (safer chemicals), or any of these. Within the amount provided in this subsection, $1,554,000 is provided solely for the department to conduct biomonitoring studies. If none of

these bills is enacted by July 10, 2015, the amount provided in this subsection shall lapse.

(15) $123,000 of the general fund—state appropriation for fiscal year 2016 and $123,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the department of health to support Washington's healthiest next generation efforts by partnering with the office of the superintendent of public instruction, department of early learning, and other public and private partners as appropriate.

(16) $230,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6534 (maternal mortality review). If this bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(17) Within the amounts appropriated from the health professions account—state appropriation, the department must manage its pending rule-making process related to the educational and training requirements for chemical dependency professionals to complete the rule-making by June 30, 2016.

(18) Within the amounts appropriated in this section, the department must implement the 2014 Washington state hepatitis strategic plan, including but not limited to the implementation of the centers for disease control and prevention hepatitis C screening guidelines for persons born between 1945-1965 and other high risk groups, hepatitis C prevention, and hepatitis C case management.

(19) The appropriations in this section include sufficient funding for the implementation of Substitute Senate Bill No. 5778 (ambulatory surgical centers).

(20) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5689 (diabetes epidemic).

(21) $26,000 of the medicaid fraud penalty account—state appropriation is provided solely for the implementation of Substitute House Bill No. 2730 (prescription monitoring program). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(22) $21,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Substitute Senate Bill No. 6421 (epinephrine autoinjectors). If the bill is not enacted by June 30, 2016, the amount in this subsection shall lapse.

(23) $49,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the department to convene a task force on patient out-of-pocket costs.

(a) By July 1, 2016, the department shall convene the task force, and the department shall coordinate the task force meetings. The task force shall include representatives from all participants with a role in determining prescription drug costs and out-of-pocket costs for patients, such as, but not limited to the following: Patient groups; insurance carriers operating in the state; pharmaceutical companies; prescribers; pharmacists; pharmacy benefit managers; hospitals; the office of the insurance commissioner; the health care authority and other purchasers; the office of financial management; unions; Taft-Hartley trusts; a business association; and biotechnology.

(b) Letters of interest from potential participants shall be submitted to the department, and the secretary, or his or her designee, shall invite representatives of interested groups to participate in the task force.

(c) The task force shall evaluate factors contributing to the out-of-pocket costs for patients, particularly in the first quarter of each year, including but not limited to prescription drug cost trends and plan benefit design.

(d) The task force shall consider patient treatment adherence and the impacts on chronic illness and acute disease, with consideration of the long-term outcomes and costs for the patient. The discussion must also consider the impact when patients cannot maintain access to their prescription drugs and the implications of adverse health impacts including the potential need for more expensive medical interventions or hospitalizations and the impact on the workforce regarding the loss of productivity. The discussion must also consider the impact of the factors on the affordability of health care coverage.

(e) The task force recommendations, or a summary of the discussions, must be provided to the appropriate committees of the legislature by December 1, 2016.

(24) Recognizing the financial challenges faced by the public health system, which comprises state and local entities, and the impact that those financial challenges have had on the system's ability to deliver essential public health services throughout the state, the legislature directs the department and local public health jurisdictions, within amounts appropriated in this section, to provide a proposal outlining a plan for implementing foundational public health services statewide to modernize, streamline, and fund a twenty-first century public health system in Washington state. Current fees that support the work of public health should be reviewed, and the proposal should identify those fees that are not currently supplying adequate revenue to maintain compliance or enforcement. The first report regarding the proposal is due to the appropriate committees of the legislature no later than December 1, 2016, and subsequent reports shall be submitted biennially, thereafter.

(25) $1,681,000 of the youth tobacco prevention account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6328 (vapor products). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(26) $160,000 of the health professions state account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6558 (hospital pharmacy license). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(27) $100,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2793 (suicide education). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

***Sec. 220.** 2015 3rd sp.s. c 4 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2016, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2016 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective

of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State Appropriation (FY 2016) . . . . . ((~~$59,039,000~~)) $59,179,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$59,768,000~~)) $59,907,000

TOTAL APPROPRIATION . . . . . ((~~$118,807,000~~)) $119,086,000

The appropriations in this subsection are subject to the following conditions and limitations: $35,000 of the general fund—state appropriation for fiscal year 2016 and $35,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2016) . . . . . ((~~$608,917,000~~)) $607,084,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$629,232,000~~)) $630,422,000

General Fund—Federal Appropriation $1,892,000

Washington Auto Theft Prevention Authority Account—State Appropriation . . . . . ((~~$6,701,000~~)) $6,812,000

State Toxics Control Account—State Appropriation $400,000

TOTAL APPROPRIATION . . . . . ((~~$1,247,142,000~~)) $1,246,610,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) During the 2015-2017 fiscal biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide

sufficient revenues for the activities funded from the institutional welfare betterment account.

(b) The department may contract for up to 300 beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The duration of the contracts may be for up to four years. The department shall not pay a rate greater than $65 per day per offender for all costs associated with the offender while in the local correctional facility to include programming and health care costs, or the equivalent of $65 per day per bed including programming and health care costs for full units. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as medium or lower security offenders. Programming provided for inmates held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(c) $501,000 of the general fund—state appropriation for fiscal year 2016 and $501,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester. The department may not house incarcerated offenders at the maple lane site until specifically directed to do so by the legislature.

(d) ((~~$1,379,000~~)) $479,000 of the general fund—state appropriation for fiscal year 2016, and $1,379,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the department to contract with Yakima county for the use of inmate bed capacity in lieu of prison beds operated by the state to meet prison capacity needs.

(e) The department shall review its policies and procedures for overtime usage throughout its prison custody system to identify efficiencies and best practices that will control costs. The department shall provide to the appropriate committees of the legislature by November 15, 2015, a report that makes recommendations to reduce the department's overtime usage and reduces overall costs for prison personnel.

(f) In an effort to reduce its need for medium security beds, the department shall review options to meet capacity needs in the most cost-efficient manner without compromising safety. The department shall at a minimum review its policies that determine custody levels, including examining other states' policies and determine costs to convert any empty prison beds to medium security and possibilities to utilize local jail beds for this purpose. The department must evaluate the options on both a short-term and long-term basis against the cost

and timing of any proposal to build a new prison facility. The department shall report its findings and recommendations to the appropriate committees of the legislature by December 1, 2015.

(g) Within the amounts provided in this section, the department of corrections shall explore entering into an interagency agreement with the University of Washington. The interagency agreement would allow the department to receive drug pricing under 340B of the public health services act for drug purchases associated with treating patients with hepatitis C or other diseases, whereby the university is acting as the covered entity or safety-net provider. In cooperation with the University of Washington, the department must provide an estimate of the fiscal impact of a successful agreement of this nature, to be included in the report provided to the legislature under section 606 of this act.

(h) $711,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Second Substitute Senate Bill No. 5105 (felony DUI). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(i) $454,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for nonrepresented state employees in targeted state employee job classifications psychiatrist, psychiatric social worker, and psychologist as set forth in section 906 of this act.

(j) $736,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of a memorandum of understanding between the governor and the teamsters union local 117, amending the collective bargaining agreement under chapter 41.80 RCW for the 2015-2017 fiscal biennium as set forth in section 904 of this act, effective July 1, 2017. The legislature recognizes that the memorandum of understanding was necessitated by an emergency and an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees, which impacts the state employee job classifications of psychiatrist, psychiatric social worker, and psychologist at prison facilities.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2016) . . . . . ((~~$152,893,000~~))
$157,176,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$156,050,000~~))
$155,532,000
General Fund—Federal Appropriation $995,000
TOTAL APPROPRIATION . . . . . ((~~$309,938,000~~))
$313,703,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall contract with local and tribal governments for the provision of jail capacity to house offenders who violate the terms of their community supervision. A contract shall not have a cost of incarceration in excess of $85 per day per offender. A contract shall not have a year-to-year increase in excess of three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increases, provided that medical

payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff.

(b) Within the amounts provided in this subsection, specific funding is provided to implement Senate Bill No. 5070 (supervision of domestic violence offenders).

(c) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2016) . . . . . ((~~$6,273,000~~)) $6,600,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$6,369,000~~)) $6,465,000

TOTAL APPROPRIATION . . . . . ((~~$12,642,000~~)) $13,065,000

(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2016) . . . . . ((~~$45,308,000~~)) $44,828,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$41,572,000~~)) $42,246,000

TOTAL APPROPRIATION . . . . . ((~~$86,880,000~~)) $87,074,000

The appropriations in this subsection are subject to the following conditions and limitations: The state prison medical facilities may use funds appropriated in this subsection to purchase goods and supplies through hospital or other group purchasing organizations when it is cost effective to do so.

(6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2016) . . . . . ((~~$45,498,000~~)) $54,480,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$46,845,000~~)) $53,428,000

TOTAL APPROPRIATION . . . . . ((~~$92,343,000~~)) $107,908,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) Effective April 1, 2016, the regional support networks must subcontract with providers that have specialized expertise in the provision of outpatient

chemical dependency treatment services to offenders who have been sentenced by a superior court to a term of community supervision by the department of corrections. The department of corrections and the department of social and health services must develop a memorandum of understanding for offenders on active supervision by the department who are eligible for chemical dependency programming and to ensure that manualized evidence-based treatment services funded by these agencies are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served.

(c) The department of corrections shall implement and make necessary changes to policies and practices to assist eligible needs-assessed offenders within the community with access to outpatient chemical dependency treatment services through the behavioral health organizations and early adopters.

***Sec. 220 was partially vetoed. See message at end of chapter.**

Sec. 221. 2015 3rd sp.s. c 4 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund—State Appropriation (FY 2016) . . . . . ((~~$2,290,000~~)) $2,294,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$2,297,000~~)) $2,728,000

General Fund—Federal Appropriation . . . . . ((~~$23,186,000~~)) $23,163,000

General Fund—Private/Local Appropriation $60,000

TOTAL APPROPRIATION . . . . . ((~~$27,833,000~~)) $28,245,000

Sec. 222. 2015 3rd sp.s. c 4 s 222 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund—Federal Appropriation . . . . . ((~~$258,156,000~~)) $228,568,000

General Fund—Private/Local Appropriation . . . . . ((~~$34,758,000~~)) $34,745,000

Unemployment Compensation Administration Account—Federal Appropriation . . . . . ((~~$285,849,000~~)) $290,732,000

Administrative Contingency Account—State Appropriation. . . . . ((~~$24,537,000~~)) $24,942,000

Employment Service Administrative Account—State Appropriation. . . . . ((~~$46,134,000~~)) $46,928,000

TOTAL APPROPRIATION . . . . . ((~~$649,434,000~~)) $625,915,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) $4,662,000 of the unemployment compensation administration account—federal appropriation is from amounts made available to the state by

section 903(g) of the social security act (Reed act). This amount is provided solely for the replacement of the unemployment insurance tax information system for the employment security department. The amounts provided in this subsection is conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(2) $26,955,000 of the unemployment compensation administration account—federal appropriation is provided from amounts made available to the state by section 903(g) of the social security act (Reed act). This amount is provided solely for the replacement of the unemployment insurance benefit system for the employment security department. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(3) The department may implement a revised chart of accounts for the 2015-2017 fiscal biennium following the receipt and approval of the reconstructed ten-year operating and capital expenditure plan by the office of financial management and the legislative evaluation and accountability program committee. The proposed structure must reduce the department's structure from seven programs to four and better align the budget reporting structure with the department's current operational structure.

(4) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(5) $48,000 of the employment services administrative account—state appropriation is provided for costs associated with the second stage of the review and evaluation of the training benefits program as directed in section 15(2), chapter 4, Laws of 2011 (unemployment insurance program). This second stage shall be developed and conducted by the joint legislative audit and review committee and shall consist of further work on the process study and net-impact/cost-benefit analysis components of the evaluation.

(6) The department is prohibited from expending amounts appropriated in this section for implementation of chapter 49.86 RCW.

(7) $240,000 of the administrative contingency account—state appropriation is provided solely for the employment security department to contract with a center for workers in King county. The amount appropriated in this subsection shall be used by the contracted center for workers to support initiatives that generate high-skill, high-wage jobs; improve workforce and training systems; improve service delivery for dislocated workers; and build alliances with community and environmental organizations.

(8) The department shall report to the appropriate committees of the legislature by December 1, 2016, on its efforts to improve data sharing with law enforcement agencies to reduce or eliminate the payment of unemployment benefits to incarcerated persons, including any recommended statutory changes.

PART III
NATURAL RESOURCES

Sec. 301. 2015 3rd sp.s. c 4 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund—State Appropriation (FY 2016) . . . . . ((~~$455,000~~)) $464,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$474,000~~)) $476,000
General Fund—Federal Appropriation $32,000
General Fund—Private/Local Appropriation . . . . . ((~~$895,000~~)) $906,000
TOTAL APPROPRIATION . . . . . ((~~$1,856,000~~)) $1,878,000

***Sec. 302.** 2015 3rd sp.s. c 4 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund—State Appropriation (FY 2016) . . . . . ((~~$24,694,000~~)) $24,537,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$24,795,000~~)) $24,623,000
General Fund—Federal Appropriation . . . . . ((~~$103,800,000~~)) $103,782,000
General Fund—Private/Local Appropriation . . . . . ((~~$22,398,000~~)) $22,396,000
Reclamation Account—State Appropriation . . . . . ((~~$3,926,000~~)) $4,703,000
Flood Control Assistance Account—State Appropriation . . . . . ((~~$2,068,000~~)) $2,069,000
State Emergency Water Projects Revolving Account—State Appropriation $40,000
Waste Reduction/Recycling/Litter Control—State Appropriation . . . . . ((~~$13,163,000~~)) $13,290,000
State Drought Preparedness Account—State Appropriation . . . . . ((~~$204,000~~)) $872,000
State and Local Improvements Revolving Account (Water Supply Facilities)—State Appropriation . . . . . ((~~$447,000~~)) $150,000
Aquatic Algae Control Account—State Appropriation $518,000
Water Rights Tracking System Account—State Appropriation . . . . ((~~$46,000~~)) $446,000
Site Closure Account—State Appropriation $578,000
Wood Stove Education and Enforcement Account—State Appropriation $547,000
Worker and Community Right-to-Know Account—State Appropriation . . . . . ((~~$1,790,000~~)) $1,792,000
Water Rights Processing Account—State Appropriation $39,000
State Toxics Control Account—State Appropriation . . . . . ((~~$132,643,000~~)) $123,470,000
State Toxics Control Account—Private/Local Appropriation $499,000
Local Toxics Control Account—State Appropriation . . . . . ((~~$4,628,000~~))

$4,527,000
Water Quality Permit Account—State Appropriation .....((~~$41,644,000~~))
$44,673,000
Underground Storage Tank Account—State Appropriation .....((~~$3,544,000~~))
$3,546,000
Biosolids Permit Account—State Appropriation $2,108,000
Environmental Legacy Stewardship Account—State Appropriation .....((~~$44,295,000~~))
$36,091,000
Hazardous Waste Assistance Account—State Appropriation .....((~~$6,029,000~~))
$6,149,000
Radioactive Mixed Waste Account—State Appropriation .....((~~$14,900,000~~))
$15,968,000
Air Pollution Control Account—State Appropriation .....((~~$3,284,000~~))
$3,985,000
Oil Spill Prevention Account—State Appropriation .....((~~$8,594,000~~))
$8,716,000
Air Operating Permit Account—State Appropriation .....((~~$3,231,000~~))
$3,233,000
Freshwater Aquatic Weeds Account—State Appropriation $1,439,000
Oil Spill Response Account—State Appropriation $7,076,000
Water Pollution Control Revolving Administration Account—State Appropriation $579,000
Water Pollution Control Revolving Account—State Appropriation $493,000
Water Pollution Control Revolving Account—Federal Appropriation .....((~~$2,337,000~~))
$2,336,000
TOTAL APPROPRIATION .....((~~$476,376,000~~))
$465,270,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) $495,000 of the state toxics control account—state appropriation and $625,000 of the local toxics control account—state appropriation is provided solely for the expansion of the local source control program by adding additional capacity in the Columbia River basin and Clark county.

(3) $310,000 of the state toxics control account—state appropriation is provided solely for the Spokane river regional toxics task force to address elevated levels of polychlorinated biphenyls in the Spokane river.

(4) Within the amounts appropriated in this section, the department shall conduct a stakeholder process with the department of fish and wildlife to develop recommendations to restructure the fees under RCW 90.16.050 and report to the appropriate committees of the legislature by December 1, 2015.

(5) $1,044,000 of the oil spill prevention account—state appropriation is provided solely for the implementation of chapter 274, Laws of 2015 (ESHB 1449).

(6) $3,883,000 of the state toxics control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1472 (chemical action plans), Second Substitute Senate Bill No. 5056 (safer chemicals/action plans), Substitute Senate Bill No. 6131 (safer chemicals), or any of these. If none of these bills are enacted by July 10, 2015, the amount provided in this subsection shall lapse.

(7) $134,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for implementation of chapter 144, Laws of 2015 (SHB 1851).

(8) $135,000 of the general fund—state appropriation for fiscal year 2016 and $135,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Walla Walla watershed management partnership to address water resource and management issues in the Walla Walla watershed.

(9)(a) $14,000,000 of the general fund—state appropriation for fiscal year 2016 and $14,000,000 of the general fund—state appropriation for fiscal year 2017 are for activities within the water resources program.

(b) Of the amounts provided in (a) of this subsection, $500,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for processing water right permit applications only if the department of ecology issues at least five hundred water right decisions in fiscal year 2016. If the department of ecology does not issue at least five hundred water right decisions in fiscal year 2016, the amount provided in this subsection shall lapse and remain unexpended. Permit decisions for the Columbia river basin count toward the five hundred water rights decisions under this subsection. The department of ecology shall submit a report to the office of financial management and the state treasurer by June 30, 2016, that documents whether five hundred water right decisions were issued in fiscal year 2016. For the purposes of this subsection, applications that are voluntarily withdrawn by an applicant do not count towards the five hundred water right decision requirement. For the purposes of water budget-neutral requests under chapter 173-539A WAC, multiple domestic connections authorized within a single water budget-neutral decision are considered one decision for the purposes of this subsection.

(10) Within the amounts appropriated in this section, the department must evaluate mitigation options for domestic water use in areas of the Yakima basin for which mitigation water is unavailable and access to water from water banks is unsuitable. The department must recommend solutions for providing mitigation water for domestic use in such areas. A report of the department's findings must be provided to the legislature by December 1, 2015.

(11) $319,000 of the general fund—state appropriation for fiscal year 2017, $56,000 of the waste reduction, recycling, and litter control account—state appropriation, $806,000 of the state toxics control account—state appropriation, $281,000 of the water quality permit account—state appropriation, $188,000 of the environmental legacy stewardship account—state appropriation, $56,000 of the hazardous waste assistance account—state appropriation, $113,000 of the radioactive mixed waste account—state appropriation, and $56,000 of the oil spill prevention account—state appropriation are provided solely for the attendance tracking replacement system project, and are subject to the same

conditions, limitations and review provided in section 705 (4) through (6), chapter 4, Laws of 2015 3rd sp. sess. (Engrossed Substitute Senate Bill No. 6052).

(12) Within the amounts appropriated in this section, the director of the department, working with the commissioner of public lands, shall conduct a management review of the joint federal and state dredged material management program and recommend and, as appropriate, implement actions designed to ensure that the program is functioning to facilitate the disposal of dredged material at open water disposal sites using methods that are protective of human health and in compliance with applicable federal and state environmental laws, regulations, and permit requirements. The director and commissioner shall report findings and proposed actions to the relevant committees of the legislature no later than November 1, 2016. The director and commissioner shall consider input and perspectives from tribal governments and agencies that issue permits for open water disposal of dredged material in Puget Sound, including the department of natural resources, the department of ecology, the United States environmental protection agency, and the United States army corps of engineers. This review shall include, but is not limited to: (a) The extent to which current operations, policies, and decisions of the dredged material management program provide for dredging actions necessary to maintain navigation and commerce; (b) determining what regulatory flexibility exists to allow open water disposal of dredged materials in a manner that will protect human health and the environment; and (c) an evaluation of the dredged material management program's decision-making process and policies to ensure that existing regulatory flexibility is appropriately used and that appropriate management and oversight is incorporated.

(13) $25,000 of the reclamation account—state appropriation is provided solely for implementation of Substitute House Bill No. 1130 (water power license fees). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(14) The department shall transfer responsibilities for ongoing operation and maintenance of the rain gauge network installed in Okanogan county and provide related technical assistance to the Okanogan county conservation district.

(15) During the 2015-2017 fiscal biennium, the department shall not retain fees in excess of the estimated amount necessary to cover the agency's administrative costs related to the mercury light stewardship program under chapter 70.275 RCW. The department shall refund any fees collected in excess of those administrative costs to any approved stewardship organization under chapter 70.275 RCW.

(16) For the purposes of evaluating the requirements of RCW 70.95.290, the department, in consultation with the Washington materials management and financing authority, shall, within existing resources, report to the appropriate committees of the legislature on whether the department and the Washington materials management and financing authority have utilized existing infrastructure for the collection of electronics. In its report, the department, in consultation with the Washington materials management and financing authority, must report on the location and number of new programs created and depot systems developed since 2006 for the purpose of collecting electronics,

how many existing collections sites have been utilized, as well as how many curbside collection companies were contracted with for collection of electronics. The department must submit the report to the appropriate committees of the legislature no later than September 1, 2016.

(17) $22,000 of the general fund—state appropriation for fiscal year 2016 and $50,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of Engrossed Senate Bill No. 6589 (water storage/exempt wells). If the bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(18) $300,000 of the state toxics control account—state appropriation is provided solely for the hazardous waste and toxics reduction program and is contingent on the implementation of section 3 of Engrossed Substitute House Bill No. 2545 (flame retardant chemicals). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

***Sec. 302 was partially vetoed. See message at end of chapter.**

Sec. 303. 2015 3rd sp.s. c 4 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund—State Appropriation (FY 2016) . . . . . ((~~$10,578,000~~)) $10,558,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$10,475,000~~)) $11,109,000

General Fund—Federal Appropriation $6,920,000

Winter Recreation Program Account—State Appropriation . . . . ((~~$3,280,000~~)) $3,309,000

ORV and Nonhighway Vehicle Account—State Appropriation . . . ((~~$228,000~~)) $231,000

Snowmobile Account—State Appropriation . . . . . ((~~$5,794,000~~)) $5,824,000

Aquatic Lands Enhancement Account—State Appropriation . . . . . ((~~$363,000~~)) $369,000

Recreation Access Pass Account—State Appropriation. $250,000

Parks Renewal and Stewardship Account—State Appropriation . . . . . ((~~$116,707,000~~)) $131,357,000

Parks Renewal and Stewardship Account—Private/Local Appropriation $318,000

TOTAL APPROPRIATION . . . . . ((~~$154,663,000~~)) $170,245,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $79,000 of the general fund—state appropriation for fiscal year 2016 ((~~and~~)), $79,000 of the general fund—state appropriation for fiscal year 2017, $25,000 of the snowmobile account—state appropriation, and $25,000 of the winter recreation program account—state appropriation are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) $100,000 of the general fund—state appropriation for fiscal year 2016 and $100,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) $250,000 of the recreation access pass account—state appropriation is provided solely for the commission, using its authority under RCW 79A.05.055(3) and in partnership with the department of fish and wildlife and the department of natural resources, to coordinate a process to develop options and recommendations to improve consistency, equity, and simplicity in recreational access fee systems while accounting for the fiscal health and stability of public land management. The process must be collaborative and include other relevant agencies and appropriate stakeholders. The commission must contract with the William D. Ruckelshaus Center or another neutral third party to facilitate meetings and discussions with parties involved in the process and provide a report to the appropriate committees of the legislature by December 1, 2017. The process must analyze and make recommendations on:

(a) Opportunities for federal and state recreational permit fee coordination, including the potential for developing a system that allows a single pass to provide access to federal and state lands;

(b) Opportunities to enhance consistency in the way state and federal recreational access fees apply to various types of recreational users, including those that travel to public lands by motor vehicle, boat, bicycle, foot, or another method; and

(c) Opportunities to develop a comprehensive and consistent statewide approach to recreational fee discounts and exemptions to social and other groups including, but not limited to, disabled persons, seniors, disabled veterans, foster families, low-income residents, and volunteers. This analysis must examine the cost of such a program, and should consider how recreational fee discounts fit into the broader set of benefits provided by the state to these social groups. This includes a review of the efficacy, purpose, and cost of existing recreational fee discounts and exemptions, as well as opportunities for new or modified social group discounts and exemptions. The department of veterans affairs and the department of social and health services must be included in this portion of the process.

(4) $100,000 of the parks renewal and stewardship account—state appropriation is provided solely for conducting noxious weed treatment and vegetation management on the John Wayne pioneer trail to protect adjacent land owners from noxious weeds with priority in areas where there is adjacent agricultural use. Control of noxious weeds must follow an integrated pest management approach including the use of biological, chemical, and mechanical control prescriptions in accordance with chapter 17.15 RCW and consistent with state and county weed board requirements. The commission must report on its progress in meeting this requirement to the appropriate committees of the legislature by September 30, 2016.

(5) $14,185,000 of the parks renewal and stewardship account—state appropriation is provided solely for expenditures related to state parks. Of this amount, $11,614,000 is provided for maintenance and preservation activities, $1,971,000 is provided for radio equipment and installation, $300,000 is

provided for firefighting vehicles, equipment, and supplies, and $300,000 is provided for marketing activities.

Sec. 304. 2015 3rd sp.s. c 4 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

General Fund—State Appropriation (FY 2016) . . . . . (($~~$873,000~~)) $842,000

General Fund—State Appropriation (FY 2017) . . . . . (($~~$845,000~~)) $818,000

General Fund—Federal Appropriation . . . . . (($~~$3,537,000~~)) $3,536,000

General Fund—Private/Local Appropriation $24,000

Aquatic Lands Enhancement Account—State Appropriation $488,000

Firearms Range Account—State Appropriation $37,000

Recreation Resources Account—State Appropriation . . . . . (($~~$3,349,000~~)) $3,263,000

NOVA Program Account—State Appropriation $1,014,000

TOTAL APPROPRIATION . . . . . (($~~$10,167,000~~)) $10,022,000

Sec. 305. 2015 3rd sp.s. c 4 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

General Fund—State Appropriation (FY 2016) . . . . . (($~~$2,123,000~~)) $2,149,000

General Fund—State Appropriation (FY 2017) . . . . . (($~~$2,164,000~~)) $2,175,000

TOTAL APPROPRIATION . . . . . (($~~$4,287,000~~)) $4,324,000

Sec. 306. 2015 3rd sp.s. c 4 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund—State Appropriation (FY 2016) . . . . . (($~~$6,775,000~~)) $6,778,000

General Fund—State Appropriation (FY 2017) . . . . . (($~~$6,810,000~~)) $6,848,000

General Fund—Federal Appropriation $2,301,000

Public Works Assistance Account—State Appropriation. $7,600,000

Disaster Response Account—State Appropriation $7,800,000

State Toxics Control Account—State Appropriation $1,000,000

TOTAL APPROPRIATION . . . . . (($~~$24,486,000~~)) $32,327,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $7,600,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(2) $6,800,000 of the disaster response account—state appropriation is provided solely to protect water quality, stabilize soil, prevent crop damage, replace fencing and help landowners recover from losses sustained from wildfires. $300,000 of this amount shall be provided to the Okanogan county noxious weed control board to control weeds and revegetate lands damaged by wildfires.

(3) $1,000,000 of the disaster response account—state appropriation is provided solely for the commission to provide to conservation districts for the firewise program.

(4)(a) $50,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the commission to convene and facilitate a food policy forum. The director of the commission is responsible for appointing participating members of the food policy forum in consultation with the director of the department of agriculture. In making appointments, the director of the commission must attempt to ensure a diversity of knowledge, experience, and perspectives by building on the representation established by the food system roundtable initiated by executive order No. 10-02.

(b) In addition to members appointed by the director of the state conservation commission, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(c) The commission shall coordinate with the office of farmland preservation and the department of agriculture to avoid duplication of effort. The commission must report to the appropriate committees of the legislature, consistent with RCW 43.01.036, with the forum's recommendations by October 31, 2017.

Sec. 307. 2015 3rd sp.s. c 4 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund—State Appropriation (FY 2016) . . . . . ((~~$37,559,000~~))
$37,599,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$36,622,000~~))
$39,435,000

General Fund—Federal Appropriation . . . . . ((~~$113,009,000~~))
$113,956,000

General Fund—Private/Local Appropriation . . . . . ((~~$61,447,000~~))
$61,739,000

ORV and Nonhighway Vehicle Account—State Appropriation . . . ((~~$424,000~~))
$425,000

Aquatic Lands Enhancement Account—State Appropriation . . . . . ((~~$11,500,000~~))
$11,627,000

Recreational Fisheries Enhancement—State Appropriation . . . . . ((~~$2,975,000~~))
$2,997,000

Disaster Response Account—State Appropriation $642,000

Warm Water Game Fish Account—State Appropriation . . . . . ((~~$2,723,000~~)) $2,738,000
Eastern Washington Pheasant Enhancement Account—State Appropriation . . . . . ((~~$849,000~~)) $850,000
Aquatic Invasive Species Enforcement Account—State Appropriation $219,000
Aquatic Invasive Species Prevention Account—State Appropriation . . . . . ((~~$775,000~~)) $778,000
State Wildlife Account—State Appropriation . . . . . ((~~$111,251,000~~)) $117,456,000
Special Wildlife Account—State Appropriation . . . . . ((~~$300,000~~)) $313,000
Special Wildlife Account—Federal Appropriation $500,000
Special Wildlife Account—Private/Local Appropriation $3,517,000
Wildlife Rehabilitation Account—State Appropriation $359,000
Hydraulic Project Approval Account—State Appropriation . . . . . ((~~$668,000~~)) $669,000
Environmental Legacy Stewardship Account—State Appropriation $2,814,000
Regional Fisheries Enhancement Salmonid Recovery Account—Federal Appropriation $5,001,000
Oil Spill Prevention Account—State Appropriation . . . . . ((~~$1,069,000~~)) $1,075,000
Oyster Reserve Land Account—State Appropriation . . . . . ((~~$778,000~~)) $779,000
TOTAL APPROPRIATION . . . . . ((~~$394,359,000~~)) $405,488,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~$344,000 of the general fund—state appropriation for fiscal year 2016 and~~)) $344,000 of the general fund—state appropriation for fiscal year 2017 ((~~are~~)) is provided solely to pay for emergency fire suppression costs. ((~~These amounts~~)) This amount may not be used to fund agency indirect and administrative expenses.

(2) $596,000 of the general fund—state appropriation for fiscal year 2016 and $596,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for weed assessments and for payments in lieu of real property taxes to counties that elect to receive the payments for department owned game lands within the county.

(3) $300,000 of the aquatic lands enhancement account—state appropriation is provided solely for the aquatic invasive species and ballast water programs to address voluntary compliance and watercraft check stations and develop recommendations for future funding and the transition to new federal ballast water regulations. These recommendations shall be provided to the governor and legislature by June 1, 2016.

(4) Prior to submitting its 2017-2019 biennial operating and capital budget requests related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review the proposed requests. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management with its agency budget proposal.

(5) $400,000 of the general fund—state appropriation for fiscal year 2016 and $400,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers. Prior to implementation of any Puget Sound nearshore ecosystem restoration projects in Whatcom county, the department must consult with and seek, to the maximum extent practicable, consensus on those projects among appropriate landowners, federally recognized Indian tribes, agencies, and community and interest groups.

(6) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(7) Within the amounts appropriated in this section, the department shall conduct a stakeholder process with the department of ecology to develop recommendations to restructure the fees under RCW 90.16.050 and report to the appropriate committees of the legislature by December 1, 2015.

(8) The department shall maintain a working capital reserve in the nonrestricted portion of the state wildlife account of no more than five percent of projected expenses in the nonrestricted portion of the account.

(9) $72,000 of the oil spill prevention account—state appropriation is provided solely for implementation of chapter 274, Laws of 2015 (ESHB 1449).

(10) $352,000 of the general fund—state appropriation for fiscal year 2016 and $351,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of chapter 191, Laws of 2015 (SSB 5166).

(11) $642,000 of the disaster response account—state appropriation is provided solely for wildland fire restoration activities on state wildlife areas.

(12) $100,000 of the general fund—state appropriation for fiscal year 2016 and $375,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the department to establish a work unit to engage and empower diverse stakeholders in decisions about fish and wildlife.

(13) $300,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to fund cost share partnerships between the department and landowners via livestock damage prevention cooperative agreements. The agreements are part of the department's efforts to help landowners implement measures to reduce the potential for wolf-livestock conflict.

(14) $25,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to pay claims for confirmed cougar depredations on livestock.

(15) $225,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for operations at Naselle Hatchery. Any increase in hatchery fish production is contingent upon hatchery reform broodstock standards being met and state fisheries being managed to conserve wild fish populations.

(16) $25,000 of the general fund—state appropriation for fiscal year 2016 and $25,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to the Northwest straits commission for assistance in conducting and evaluating the forage fish surveys in Puget Sound.

(17) $100,000 of the state wildlife account—state appropriation is provided solely for ongoing department efforts to address elk hoof disease including monitoring prevalence in affected areas, evaluating survival of affected elk, and assessing management options in affected areas.

(18) The governor shall convene a government-to-government meeting between the department and federally recognized Indian tribes to discuss and develop a protocol regarding enforcement actions related to hunting activities by tribal members on lands where the member's tribe has a treaty or other federally recognized right to hunt.

***Sec. 308.** 2015 3rd sp.s. c 4 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund—State Appropriation (FY 2016) . . . . . ((~~$51,961,000~~)) $30,402,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$54,771,000~~)) $49,478,000

General Fund—Federal Appropriation . . . . . ((~~$27,133,000~~)) $30,079,000

General Fund—Private/Local Appropriation $2,372,000

Forest Development Account—State Appropriation . . . . . ((~~$53,463,000~~)) $53,786,000

ORV and Nonhighway Vehicle Account—State Appropriation . . . . . ((~~$4,806,000~~)) $6,655,000

Surveys and Maps Account—State Appropriation . . . . . ((~~$1,496,000~~)) $4,502,000

Aquatic Lands Enhancement Account—State Appropriation . . . . . ((~~$8,711,000~~)) $8,743,000

Resources Management Cost Account—State Appropriation . . . . . ((~~$113,223,000~~)) $119,872,000

Surface Mining Reclamation Account—State Appropriation . . . . . ((~~$3,926,000~~)) $3,960,000

Disaster Response Account—State Appropriation . . . . . ((~~$5,000,000~~)) $16,601,000

Forest and Fish Support Account—State Appropriation . . . . . ((~~$9,011,000~~)) $10,129,000

Aquatic Land Dredged Material Disposal Site Account—State Appropriation. . . . . ((~~$400,000~~))

$401,000
Natural Resources Conservation Areas Stewardship Account—State Appropriation $34,000
Marine Resources Stewardship Trust Account—State Appropriation $925,000
State Toxics Control Account—State Appropriation $5,438,000
Forest Practices Application Account—State Appropriation . . . . . ((~~$1,763,000~~)) $1,971,000
Environmental Legacy Stewardship Account—State Appropriation. $1,004,000
Air Pollution Control Account—State Appropriation . . . . . ((~~$816,000~~)) $817,000
NOVA Program Account—State Appropriation $696,000
Derelict Vessel Removal Account—State Appropriation . . . . . ((~~$1,930,000~~)) $1,931,000
Community Forest Trust Account—State Appropriation. $26,000
Agricultural College Trust Management Account—State Appropriation . . . . . ((~~$2,864,000~~)) $2,879,000
TOTAL APPROPRIATION . . . . . ((~~$351,743,000~~)) $352,701,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $1,420,000 of the general fund—state appropriation for fiscal year 2016 and $1,352,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) ((~~$21,055,000 of the general fund—state appropriation for fiscal year 2016, $21,055,000~~)) $15,530,000 of the general fund—state appropriation for fiscal year 2017((~~,~~)) and ((~~$5,000,000~~)) $10,525,000 of the disaster response account—state appropriation are provided solely for emergency fire suppression. The general fund—state appropriation and disaster response account—state appropriation provided in this subsection may not be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations. The department of natural resources shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from the disaster response account. This work shall be done in coordination with the military department.

(3) $5,000,000 of the forest and fish support account—state appropriation is provided solely for outcome-based, performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) $925,000 of the marine resources stewardship trust account—state appropriation is provided solely for implementation of priority marine management planning efforts including mapping activities, ecological assessment, data tools, and stakeholder engagement.

(5) $440,000 of the state general fund—state appropriation for fiscal year 2016 and $440,000 of the state general fund—state appropriation for fiscal year 2017 are provided solely for forest work crews that support correctional camps and are contingent upon continuing operations of the Naselle youth camp.

(6) ((~~$2,947,000~~)) $2,390,000 of the general fund—state appropriation for fiscal year 2016 and ((~~$2,947,000~~)) $2,390,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board. The forest practices board shall submit a report to the legislature following review, approval, and solicitation of public comment on the cooperative monitoring, evaluation, and research master project schedule, to include: Cooperative monitoring, evaluation, and research science and related adaptive management expenditure details, accomplishments, the use of cooperative monitoring, evaluation, and research science in decision-making, and funding needs for the coming biennium. The report shall be provided to the appropriate committees of the legislature by October 1, 2016.

(7) $155,000 of the general fund—state appropriation for fiscal year 2016 and $127,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for ongoing law enforcement, which the department may contract with local law enforcement agencies, and for noxious weed control, forest fire protection assessment, and other ((~~purchased services~~)) management costs for the Teanaway community forest as provided in the Teanaway community forest management plan.

(8) The department shall maintain working capital reserves in the resource management cost account and the forest development account of no more than five percent of the amounts appropriated in each account.

(9) $337,000 of the general fund—state appropriation for fiscal year 2016 and $311,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 182, Laws of 2015 (ESHB 2093).

(10) $1,200,000 of the disaster response account—state appropriation is provided solely for joint wildland fire training of department of natural resources, Washington national guard, local fire agency, and tribal firefighters. Of this amount, $200,000 is provided solely to train local fire agencies on the use of firefighting equipment.

(11) $215,000 of the disaster response account—state appropriation is provided solely for the department to develop a twenty-year strategic plan to treat areas of state forest land that have been identified by the department as being in poor health.

(12) $629,000 of the disaster response account—state appropriation is provided solely for the department to update the smoke management plan in

consultation with the department of ecology, other relevant state and federal agencies, and relevant stakeholders.

(13) $696,000 of the disaster response account—state appropriation is provided solely to enhance the department's capacity to respond to large wildfires using in-state resources.

(14) $443,000 of the disaster response account—state appropriation is provided solely to enhance capacity for aerial attack of wildfires. Within this amount, the department must develop a pre-certified list of aerial contractors that may be available for fire suppression in fire-prone areas and report the list to the appropriate committees of the legislature by December 1, 2016.

(15) $1,000,000 of the disaster response account—state appropriation is provided solely to provide firefighting equipment to local fire agencies.

(16) $417,000 of the disaster response account—state appropriation is provided solely for wildfire prevention education, community outreach programs, technical assistance to landowners; and to ensure landowner compliance with grant and contract requirements, burn permit conditions, and industrial fire precaution levels.

(17) $569,000 of the disaster response account—state appropriation is provided solely for portable and mobile radios.

(18) $700,000 of the resources management cost account—state appropriation is provided solely for fuel reduction and forest health activities on state lands.

(19) $800,000 of the disaster response account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2928 (outdoor burning). Of this amount, two percent is provided solely for the department's administrative costs, five percent is provided solely for the department to provide forest health collaboratives for burn technician costs, and ninety-three percent is provided solely for the department to provide forest health collaboratives for implementation of forest resiliency burning. The department shall direct the forest health collaboratives to complete the forest resiliency burning under this subsection by January 1, 2017. If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(20) $100,000 of the disaster response account—state appropriation is provided solely for fuel reduction and creating firebreaks in and around the city of Walla Walla's mill creek watershed.

(21) $5,057 of the disaster response account—state appropriation is provided solely for the Asotin county sheriff's office for the grizzly bear complex fire.

(22) The appropriations provided in this section may not be used for activities related to increasing the amount of land managed by the department as natural area preserves.

***Sec. 308 was partially vetoed. See message at end of chapter.**

Sec. 309. 2015 3rd sp.s. c 4 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund—State Appropriation (FY 2016) . . . . . ((~~$16,173,000~~)) $16,723,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$16,069,000~~)) $17,411,000

General Fund—Federal Appropriation .....((~~$26,851,000~~)) $30,520,000
General Fund—Private/Local Appropriation $193,000
Aquatic Lands Enhancement Account—State Appropriation ....((~~$2,884,000~~)) $2,896,000
State Toxics Control Account—State Appropriation .....((~~$5,910,000~~)) $5,919,000
Water Quality Permit Account—State Appropriation $73,000
TOTAL APPROPRIATION .....((~~$68,153,000~~)) $73,735,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $6,108,445 of the general fund—state appropriation for fiscal year 2016 and $6,102,905 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) $48,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for implementation of chapter 106, Laws of 2015 (HB 1268).

(3) $575,000 of the state toxics control account—state appropriation is provided solely to implement a nutrient management training program for farmers that provides training in agronomic application of dairy nutrients, as defined in RCW 90.64.010. The department shall develop an accreditation process to track completion of training by individuals who apply manure. The department shall also offer to willing farms to review agronomic application of dairy nutrients, as defined in RCW 90.64.010, used in crop production, including when, where, and how much manure to apply to meet crop nutrient requirements and to protect waters of the state. These funds may also be used to increase inspection activities in watersheds, including those areas with impaired surface or ground water impairment. The department in consultation with interested stakeholders shall identify gaps in the manure management program, including existing rules and statutory language, and report on a strategy to address those gaps. This program shall be a two-year pilot and the department shall report to the governor and the legislature by December 31, 2015, June 30, 2016, and on June 30, 2017, on the level of participation and results of the program. In developing the curriculum for agronomic education and certification programs, the department will provide opportunity for input from interested parties including: Washington State University, state conservation commission, department of ecology, conservation district staff, representatives from agricultural, livestock, and crop organizations, environmental organizations, tribal government representatives, and certified crop advisers.

(4) $126,000 of the general fund—state appropriation for fiscal year 2016 ((~~is~~)) and $125,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to analyze raw milk samples as required by chapter 15.36 RCW. The department shall report to the governor and the appropriate committees of the legislature by September 1, 2015, with recommendations for an assessment or a cost-recovery mechanism to support the department's activities associated with inspections and testing of raw milk samples.

(5) $145,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6206 (industrial hemp growing). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(6) $55,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6605 (solid waste/disease & pests). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(7) $100,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for: (a) Assisting dairy farmers with deep soil sampling and record keeping; (b) assessing, analyzing, and reporting on lagoon storage on dairy farms in northern Puget Sound and Yakima basin counties; (c) working with Washington State University research and extension and the United States natural resources conservation service on improving effluent analysis and developing storage assessment tools and protocols to identify dairy lagoons and effluent storage systems that are a significant risk to state groundwater resources; and (d) providing engineering technical assistance to dairy farmers for effluent storage lagoon engineering to meet United States natural resources conservation service standards via conservation districts in northern Puget Sound and Yakima basin counties. The department of agriculture in cooperation with the department of ecology shall report to the legislature by July 1, 2017, with recommendations based on dairy lagoon and field assessments, including estimated public and private costs and benefits for reducing groundwater risk from lagoons and fields on dairy farms, and the role, scope, and associated costs and benefits of a state groundwater permit for dairy farmers.

Sec. 310. 2015 3rd sp.s. c 4 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

Pollution Liability Insurance Program Trust Account—State Appropriation . . . . . ((~~$1,387,000~~)) $1,421,000

Underground Storage Tank Revolving Account—State Appropriation. $5,000

TOTAL APPROPRIATION. $1,426,000

The appropriations in this section are subject to the following conditions and limitations: $5,000 of the underground storage tank revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 2357 (pollution insurance agency). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

Sec. 311. 2015 3rd sp.s. c 4 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund—State Appropriation (FY 2016) . . . . . ((~~$2,319,000~~)) $2,333,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$2,338,000~~)) $2,349,000

General Fund—Federal Appropriation . . . . . ((~~$9,895,000~~))

$9,955,000
Aquatic Lands Enhancement Account—State
Appropriation. . . . . ((~~$2,109,000~~))
$2,119,000
State Toxics Control Account—State Appropriation . . . . . ((~~$701,000~~))
$705,000
TOTAL APPROPRIATION . . . . . ((~~$17,362,000~~))
$17,461,000

The appropriations in this section are subject to the following conditions and limitations: By October 15, 2016, the Puget Sound partnership shall provide the governor a single, prioritized list of state agency 2017-2019 capital and operating budget requests related to Puget Sound restoration.

PART IV
TRANSPORTATION

Sec. 401. 2015 3rd sp.s. c 4 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund—State Appropriation (FY 2016) . . . . . ((~~$1,400,000~~))
$1,202,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$1,472,000~~))
$1,465,000
Architects' License Account—State Appropriation . . . . . ((~~$1,007,000~~))
$1,008,000
Professional Engineers' Account—State Appropriation . . . . . ((~~$4,157,000~~))
$4,162,000
Real Estate Commission Account—State Appropriation . . . . . ((~~$11,524,000~~))
$11,536,000
Uniform Commercial Code Account—State Appropriation . . . . ((~~$3,270,000~~))
$3,275,000
Real Estate Education Program Account—State
Appropriation $276,000
Real Estate Appraiser Commission Account—State
Appropriation . . . . . ((~~$1,837,000~~))
$1,838,000
Business and Professions Account—State
Appropriation . . . . . ((~~$18,218,000~~))
$18,415,000
Real Estate Research Account—State Appropriation $415,000
Geologists' Account—State Appropriation $53,000
Derelict Vessel Removal Account—State Appropriation $32,000
TOTAL APPROPRIATION . . . . . ((~~$43,661,000~~))
$43,677,000

((~~The appropriations in this section are subject to the following conditions and limitations: $198,000 of the general fund—state appropriation for fiscal year 2016 and $11,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of Engrossed Senate Bill No. 5416~~

~~(vessel-related transactions). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse.~~))

***Sec. 402.** 2015 3rd sp.s. c 4 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund—State Appropriation (FY 2016) . . . . . ((~~$39,855,000~~)) $41,105,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$38,094,000~~)) $39,566,000

General Fund—Federal Appropriation . . . . . ((~~$16,074,000~~)) $16,073,000

General Fund—Private/Local Appropriation . . . . . ((~~$3,070,000~~)) $3,083,000

Death Investigations Account—State Appropriation . . . . . ((~~$6,508,000~~)) $6,439,000

Enhanced 911 Account—State Appropriation $3,230,000

County Criminal Justice Assistance Account—State Appropriation $3,532,000

Municipal Criminal Justice Assistance Account—State Appropriation $1,443,000

Fire Service Trust Account—State Appropriation $131,000

Vehicle License Fraud Account—State Appropriation . . . . . ((~~$255,000~~)) $264,000

Disaster Response Account—State Appropriation . . . . . ((~~$8,000,000~~)) $6,389,000

Fire Service Training Account—State Appropriation . . . . . ((~~$9,997,000~~)) $11,607,000

Aquatic Invasive Species Enforcement Account—State Appropriation $54,000

State Toxics Control Account—State Appropriation $532,000

Fingerprint Identification Account—State Appropriation . . . . . ((~~$13,930,000~~)) $14,801,000

TOTAL APPROPRIATION . . . . . ((~~$144,705,000~~)) $148,249,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $200,000 of the fire service training account—state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) ((~~$8,000,000~~)) $6,389,000 of the disaster response account—state appropriation ((~~is~~)) and $1,611,000 of the fire service training account—state appropriation are provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a

report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(3) $700,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(4) $3,230,000 of the enhanced 911 account—state appropriation is provided solely for the first phase of the state patrol's plan to upgrade the criminal history system, and is subject to the same conditions, limitations and review provided in section 705 (4) through (6) of this act.

(5) $1,375,000 of the general fund—state appropriation for fiscal year 2016 and $1,375,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 247, Laws of 2015 (Substitute House Bill No. 1068).

(6) $3,200,000 of the fingerprint investigation account—state appropriation is provided solely for the second phase of the state patrol's plan to upgrade the criminal history system, and is subject to the same conditions, limitations and review provided in section 705 (4) through (6) of this act.

(7) Within amounts provided in this section, the Washington state patrol shall work with the consolidated technology services agency to explore the feasibility and appropriateness of using vacant data halls in the state data center as storage facilities for evidence collected by law enforcement agencies, including but not limited to the state patrol. The state patrol and the consolidated technology services agency shall develop a cost estimate for modifying the data center halls in order to fit this purpose. The state patrol shall submit a report on its findings to the governor and the appropriate committees of the legislature by December 1, 2015.

(8) $50,000 of the general fund—state appropriation for fiscal year 2016 and $50,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the state patrol to pay assessments charged by local improvement districts.

(9) $388,000 of the general fund—state appropriation for fiscal year 2017, $9,000 of the vehicle license fraud account—state appropriation, and $13,000 of the general fund—local appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 2872 (WSP recruitment and retention). If the bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(10) The appropriations in this section include specific funds for the purpose of implementing Second Substitute House Bill No. 2530 (protecting victims of sex crimes).

***Sec. 402 was partially vetoed. See message at end of chapter.**

PART V
EDUCATION

Sec. 501. 2015 3rd sp.s. c 4 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund—State Appropriation (FY 2016) . . . . . .((~~$37,939,000~~))
$38,284,000

General Fund—State Appropriation (FY 2017) . . . . . .((~~$39,133,000~~))

$46,199,000
General Fund—Federal Appropriation .....((~~$67,174,000~~))
$67,169,000
General Fund—Private/Local Appropriation .....((~~$6,123,000~~))
$9,623,000
Washington Opportunity Pathways Account—State
Appropriation.....$292,000
Dedicated Marijuana Account—State Appropriation (FY 2016).....$251,000
Dedicated Marijuana Account—State Appropriation (FY 2017).....$511,000
Performance Audits of Government Account—State
Appropriation.....$208,000
TOTAL APPROPRIATION .....((~~$151,339,000~~))
$162,537,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~$9,868,000~~)) $10,152,000 of the general fund—state appropriation for fiscal year 2016 and ((~~$10,150,000~~)) $10,410,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(a) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(b) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(c) By September of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in sections 501 and 513 of this act. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(d) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(e) Districts shall annually report to the office of the superintendent of public instruction on: (i) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (ii) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(2) $1,017,000 of the general fund—state appropriation for fiscal year 2016 and ((~~$1,017,000~~)) $857,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for activities associated with the implementation of new school finance systems required by chapter 236, Laws of 2010 (K-12 education funding) and chapter 548, Laws of 2009 (state's education system), including technical staff, systems reprogramming, and workgroup deliberations, including the quality education council and the data governance working group.

(3) $1,012,000 of the general fund—state appropriation for fiscal year 2016 ((~~and $1,012,000~~)), $851,000 of the general fund—state appropriation for fiscal year 2017, and $161,000 of the Washington opportunity pathways account—state appropriation are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Of these amounts, $161,000 of the general fund—state appropriation for fiscal year 2016 and $161,000 of the ((~~general fund—state appropriation for fiscal year 2017~~)) Washington opportunity pathways account—state appropriation are provided solely for implementation of ((~~Initiative Measure No. 1240 (charter schools)~~)) RCW 28A.710 as amended by Engrossed Second Substitute Senate Bill No. 6194 (public schools other than common schools).

(4) $3,571,000 of the general fund—state appropriation for fiscal year 2016 and $3,447,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to the professional educator standards board for the following:

(a) $1,050,000 in fiscal year 2016 and $1,050,000 in fiscal year 2017 are for the operation and expenses of the Washington professional educator standards board;

(b) $2,372,000 of the general fund—state appropriation for fiscal year 2016 and $2,372,000 of the general fund—state appropriation for fiscal year 2017 are for grants to improve preservice teacher training and for funding of alternative routes to certification programs administered by the professional educator standards board. Alternative routes programs include the pipeline for paraeducators program, the retooling to teach conditional loan programs, and the recruiting Washington teachers program. Within this subsection (4)(b), up to $500,000 per fiscal year is available for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs;

(c) $25,000 of the general fund—state appropriation for fiscal year 2016 and $25,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the professional educator standards board to develop educator interpreter standards and identify interpreter assessments that are available to school districts. Interpreter assessments should meet the following criteria: (A) Include both written assessment and performance assessment; (B) be offered by a national organization of professional sign language interpreters and transliterators; and (C) be designed to assess performance in more than one sign system or sign language. The board shall establish a performance standard, defining what constitutes a minimum assessment result, for each educational interpreter assessment identified. The board shall publicize the standards and assessments for school district use;

(d) $124,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for implementation of chapter 136, Laws of 2014 (paraeducator development).

(5) $266,000 of the general fund—state appropriation for fiscal year 2016 and $266,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(a) $5,000 of the amounts provided in this subsection shall be provided to the Washington state school directors association for the creation of a model policy and procedures for language access by limited-English proficient parents. In developing the model policy and procedures, the school directors association shall consider any guidance materials created by the United States department of justice, the United States department of education, and the office of the superintendent of public instruction, regarding how school districts can effectively assess their language access needs and how to develop appropriately tailored language access plans. The model policy and procedures must at a minimum address:

(i) Guidance and procedures for timely and accurate identification of limited-English proficient parents and guardians and their language access needs;

(ii) A recommended process and procedures for when and how to access an interpreter;

(iii) A prohibition on the use of students or children as interpreters for school-related communications;

(iv) Procedures to ensure appropriate staff are aware of parents' or guardians' need for language assistance, including guidance for all school administrators, teachers, and other appropriate staff regarding when and how to access an interpreter or translation services in a timely manner; and

(v) A process for communicating with parents and guardians about their rights under federal and state law to be provided with accessible information that allows them to make informed choices regarding their child's education and how to access the resources and services available to them.

(b) Within the amounts provided in this subsection, the office of the superintendent of public instruction shall:

(i) Convene an advisory committee with representatives of parents, school administrators, school principals, classified and certificated staff, and other appropriate parties with interest in language access for limited-English parents to develop sample materials for school districts to disseminate to both school employees and parents regarding parents' rights under the model policy developed by the Washington state school directors' association and the resources available to assist parents and guardians in accessing the services available to them. The sample materials must be developed by July 1, 2016;

(ii) Maintain and have available upon request a list of school districts that have and have not adopted the Washington state school directors' association's model policy;

(iii) Adopt rules regarding school districts' communication of the language access policy and procedure to parents, students, employees, and volunteers; and

(iv) Publish to the agency web site a listing of language access services providers available to school districts, including but not limited to, the telephonic, in-person, or video-remote interpreter services vendors on contract with the state of Washington, including contact information and training

programs that are available to support school districts in preparing employees for how to access and effectively use an interpreter.

(6) $50,000 of the general fund—state appropriation for fiscal year 2016 and $50,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(7) $61,000 of the general fund—state appropriation for fiscal year 2016 and $61,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(8) $131,000 of the general fund—state appropriation for fiscal year 2016 and $131,000 of the ((~~general fund—state appropriation for fiscal year 2017~~)) Washington opportunity pathways account—state appropriation are provided solely for the implementation of ((~~Initiative Measure No. 1240 (charter schools)~~)) RCW 28A.710 as amended by Engrossed Second Substitute Senate Bill No. 6194 (public schools other than common schools).

(9) $1,802,000 of the general fund—state appropriation for fiscal year 2016 and $1,802,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(10) $25,000 of the general fund—state appropriation for fiscal year 2016 and $25,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(11) $1,500,000 of the general fund—state appropriation for fiscal year 2016 and $1,500,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for collaborative schools for innovation and success authorized under chapter 53, Laws of 2012. The office of the superintendent of public instruction shall award $500,000 per year in funding for each collaborative school for innovation and success selected for participation in the pilot program during 2012.

(12) $123,000 of the general fund—state appropriation for fiscal year 2016 and $123,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(13) $250,000 of the general fund—state appropriation for fiscal year 2016 and $250,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(14) $93,000 of the general fund—state appropriation for fiscal year 2016 and $93,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for chapter 185, Laws of 2011 (bullying prevention), which requires the office of the superintendent of public instruction to convene an

ongoing workgroup on school bullying and harassment prevention. Within the amounts provided, $140,000 is for youth suicide prevention activities.

(15) $14,000 of the general fund—state appropriation for fiscal year 2016 and $14,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(16) $62,000 of the general fund—state appropriation for fiscal year 2016 and $62,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(a) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(b) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(17) $10,000 of the general fund—state appropriation for fiscal year 2016 and $10,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the superintendent of public instruction to convene a committee for the selection and recognition of Washington innovative schools. The committee shall select and recognize Washington innovative schools based on the selection criteria established by the office of the superintendent of public instruction, in accordance with chapter 202, Laws of 2011 (innovation schools—recognition) and chapter 260, Laws of 2011 (innovation schools and zones).

(18) $100,000 of the general fund—state appropriation for fiscal year 2016 and $100,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(19) $59,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for the office of the superintendent of public instruction to convene a task force to design a performance-based assistance and accountability system for the transitional bilingual instruction program. The office must submit a report with recommendations from the task force to the education and fiscal committees of the legislature by January 15, 2016.

(20) $131,000 of the general fund—state appropriation for fiscal year 2016 and $131,000 of general fund—state appropriation for fiscal year 2017 are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs and dropout reengagement programs. The amounts provided in this subsection are sufficient for the office of the superintendent of public instruction to conduct ongoing consolidated program reviews of alternative learning experience programs and dropout reengagement programs established under chapter 20,

Laws of 2010. The office of the superintendent of public instruction shall include alternative learning education and dropout reengagement programs in its ongoing consolidated program reviews, as well as provide outreach and training to school districts regarding implementation of the programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(21) $31,000 of the general fund—state appropriation for fiscal year 2016 and $55,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks. At least two of the science course frameworks must be in environmental science.

(22) $142,000 of the general fund—state appropriation for fiscal year 2016 and $142,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 103, Laws of 2014 (Substitute Senate Bill No. 6431) (youth suicide prevention).

(23) $208,000 of the performance audits of government account—state appropriation is provided solely to address additional audit resolutions and appeals in the alternative learning experience programs.

(24) $2,541,000 of the general fund—state appropriation for fiscal year 2016 and $2,541,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(25) $210,000 of the general fund—state appropriation for fiscal year 2016 and $210,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership.

(26) $1,221,000 of the general fund—state appropriation for fiscal year 2016 and $1,221,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(27) $2,549,000 of the general fund—state appropriation for fiscal year 2016 and ((~~$3,360,000~~)) $3,940,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers

scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students.

(28) $1,354,000 of the general fund—state appropriation for fiscal year 2016 and $1,354,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007.

(29) $1,000,000 of the general fund—state appropriation for fiscal year 2016, $1,000,000 of the general fund—state appropriation for fiscal year 2017, and $762,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Starting in school year 2014-15, students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, $251,000 of the dedicated marijuana account—state appropriation for fiscal year 2016, and $511,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for the building bridges statewide program.

(30) $2,654,000 of the general fund—state appropriation for fiscal year 2016 and $2,984,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support the statewide administration of the inventory under RCW 28A.655.080(1) and the one-time implementation and training grants under RCW 28A.655.080(3) for schools implementing the inventory for the first time in the 2015-2017 fiscal biennium.

(31) $75,000 of the general fund—state appropriation for fiscal year 2016 and $75,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to subsidize advanced placement exam fees and international baccalaureate class fees and exam fees for low-income students. To be eligible for the subsidy, a student must be either enrolled or eligible to participate in the federal free or reduced-price lunch program, and the student must have maximized the allowable federal contribution. The office of the superintendent of public instruction shall set the subsidy in an amount so that the advanced placement exam fee does not exceed $15.00 and the combined class and exam fee for the international baccalaureate does not exceed $14.50.

(32) $293,000 of the general fund—state appropriation for fiscal year 2016 and $293,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs consistent with RCW 28A.600.045.

(33) $2,864,000 of the general fund—state appropriation for fiscal year 2016 and $3,758,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1546 (dual credit education opportunities).

(34) $161,000 of the general fund—state appropriation for fiscal year 2016 and $54,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the superintendent of public instruction to convene a workgroup to recommend comprehensive benchmarks for developmentally appropriate interpersonal and decision-making knowledge and skills of social and emotional learning for grades kindergarten through high school that build upon what is being done in early learning. The workgroup shall submit recommendations to the education committees of the legislature, and the office of the governor by October 1, 2016.

(35) $122,000 of the general fund—state appropriation for fiscal year 2016 and $117,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 3 (SHB No. 1813), Laws of 2015 1st sp. sess. (computer science).

(36)(a) $250,000 of the general fund—state appropriation for fiscal year 2016 and $250,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the office of the superintendent of public instruction to implement a K-12 dual language expansion grant program to build and expand well-implemented, sustainable dual language programs and create state-level infrastructure dedicated to dual language instruction.

(b) The superintendent shall award grants to pairs of school districts for periods of two years. Each awarded pair must have one district with an established dual language program with a plan for expansion, and another district with the desire to implement a new dual language program.

(c) Grant funds may be used for professional development, supplemental materials, training, administrative staffing of the program, site visits, recruiting bilingual teachers and instructional aides, program evaluation, and coaching.

(37) $400,000 of the general fund—state appropriation for fiscal year 2016 and $200,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the urban school turnaround initiative as follows:

(a) The office of the superintendent of public instruction shall provide grants of equal amounts to two schools that have previously received urban school turnaround initiative grants. The purpose of these grants is to assist the schools in maintaining gains made as a result of work completed under the original program, while also phasing out state funding support of the program.

(b) The office shall allocate the funds under this subsection (36) to the school district to be used exclusively in the selected schools. The district may not charge an overhead or indirect fee for the allocated funds or supplant other state, federal, or local funds in the selected schools. The school district shall use the funds for intensive supplemental instruction, services, and materials in the selected schools, including but not limited to professional development for school staff; updated curriculum, materials, and technology; extended learning opportunities for students; reduced class size; summer enrichment activities; school-based health clinics; and other research-based initiatives to dramatically turn around the performance and close the achievement gap in the schools. The office shall enter into an expenditure agreement with the school district under which any funds under this subsection (41) remaining unspent on August 31, 2017, shall be returned to the state. Priorities for the expenditure of the funds shall be determined by the leadership and staff of each school.

(38) $125,000 of the general fund—state appropriation for fiscal year 2016 and $125,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(39) $652,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for the administration of the preliminary scholastic aptitude test to ninth and tenth grade participants in the college bound program. The superintendent of public instruction shall partner with a national nonprofit organization that offers the aptitude test and that will provide: (i) Early and annual feedback on student progress; (ii) detailed performance feedback connected to Washington's standards, instruction, and assessments; (iii) access to state-of-the-art learning tools including free, personalized practice; (iv) access to college and career planning tools; (v) personalized information packets to high-achieving, low-income students to increase the number of applications from this group of students to public four-year institutions of higher education and independent, nonprofit baccalaureate degree-granting institutions in Washington; and (vi) for income eligible students, the opportunity to take the preliminary scholastic aptitude test in eleventh grade at no cost, to take the scholastic aptitude test twice at no cost, and access to additional tools and score reports at no cost.

(40)(a) $125,000 of the general fund—state appropriation for fiscal year 2016 and $125,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for a grant to an entity that is exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of the effective date of this section, that is affiliated and in good standing with a national congressionally chartered organization's standards under 36 U.S.C., subtitle II, part B, and that:

(i) Is facility-based and provides proven and tested recreational, educational, and character-building programs for children ages six to eighteen years of age;

(ii) Provides after school and summer programs in a minimum of fifty communities statewide, with youth development services available at least twenty hours weekly during the school year and for thirty hours weekly during summer programming;

(iii) Has adopted standards for care that at a minimum include staff ratios, staff training, health and safety standards, and mechanisms for assessing and enforcing the program's compliance with the standards;

(iv) Provides a process to receive and resolve parental complaints; and

(v) Conducts national criminal background checks for all employees and volunteers who work with children.

(b) The grant shall be used to pilot a program of academic, innovation, and mentoring. The purpose of the program is to enable eligible neighborhood youth development entities to provide out-of-school time programs for youth six to eighteen years of age that include educational services, mentoring, and linkages to positive, pro-social leisure and recreational activities. The programs must be designed for mentoring and academic enrichment that include at least two of the following three activity areas:

(i) Science, technology, engineering, and math (STEM);

(ii) Homework support and high-yield learning opportunities; and

(iii) Career exploration.

(c) The entity receiving the grant shall conduct the pilot in at least five communities statewide. The office of the superintendent of public instruction shall submit a report to the appropriate education and fiscal committees of the legislature by December 31, 2015, and a final report by December 31, 2016. The report shall outline the programs established, target populations, and pre- and post-testing results.

(41) $25,000 of the general fund—state appropriation for fiscal year 2016 and $25,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the office of the superintendent of public instruction to partner with a nonprofit organization providing music curriculum for kindergarten and first grade students and establish a grant program that provides start-up costs and materials for integrated music curriculum that links together other core curriculum. Preference shall be given to Title 1 schools, head start programs, early childhood education and assistance program sites, high poverty schools, schools with high mobility, and schools with low student achievement.

(42) $1,000,000 of the general fund—state appropriation for fiscal year 2016 and $1,000,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to Substitute House Bill No. 1813 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. Grant funds for the computer science and education grant program may be expended only to the extent that they are equally matched by private sources for the program, including gifts, grants, or endowments.

(43) $1,461,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to Fourth Substitute House Bill No. 1999 (foster youth edu. outcomes).

(a) Of the amount provided in this subsection, $446,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection, $1,015,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for a second demonstration site that includes a school district or school district with a significant number of dependent students. The office of the superintendent of public instruction, in collaboration with the department of social and health services children's administration and the contracted nongovernmental entity or

entities, shall select a second demonstration site for implementation after July 1, 2016.

(44) $1,000,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Third Substitute House Bill No. 1682 (homeless students). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(45) $1,242,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Fourth Substitute House Bill No. 1541 (educational opportunity gap). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(46) $350,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Second Substitute House Bill No. 2449 (truancy reduction). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(47) $50,000 of the general fund—state appropriation for fiscal year 2016 and $50,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a skilled workforce development high school summer internship pilot project. The office of the superintendent of public instruction shall select two high schools from the largest urban school district in the state who will in turn select 10 students each, who have completed their junior year, to participate in a 5 1/2 week summer internship. The selected high schools must partner with the port of Seattle and manufacturing and maritime employers, who are committed to fostering the development of local youth into a skilled workforce, to provide internships for the selected students. The office of the superintendent of public instruction must submit a report to the legislature by December 1, 2016, summarizing the successes and failures of the pilot project and provide recommendations for any future actions. Expenditure of the amounts in this section is contingent on receipt by the school district of a fifty percent match in funding from nonstate sources.

(48) $1,750,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for professional development for state-funded classroom paraeducators. Training must be provided in the 2016-17 school year.

(49) $41,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the office of the superintendent of public instruction to implement the since time immemorial program, including web site updates to accommodate video content and online teaching tools, and training for classroom certificated instructional staff.

(50) $11,000 of the general fund—state appropriation for fiscal year 2016 and $8,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 3, Laws of 2016 (basic education obligations).

(51) $276,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Engrossed Senate Bill No. 6620 (school safety). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(52) $500,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of section 1 of Engrossed Second Substitute Senate Bill No. 6455 (professional educator workforce). If section 1

of the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

Sec. 502. 2015 3rd sp.s. c 4 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT

General Fund—State Appropriation (FY 2016) . . . . . ((~~$6,373,305,000~~))
$6,375,707,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$6,743,880,000~~))
$6,734,241,000
Education Legacy Trust Account—State Appropriation . . . . . ((~~$125,730,000~~))
$95,730,000
TOTAL APPROPRIATION . . . . . ((~~$13,242,915,000~~))
$13,205,678,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2015-16 and 2016-17 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary schedules in sections 502 and 503 of this act, excluding (c) of this subsection.

(c) From July 1, 2015, to August 31, 2015, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 4, Laws of 2013 2nd sp. sess., as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in this part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210 and to carry out the requirement specified in subsections 2(c)(i)(B) and 2(c)(ii)(B) of this section.

(g) For the 2015-16 and 2016-17 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first

grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2015-16 and 2016-17 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260, except that the allocation for guidance counselors in a middle school shall be 1.216 for the 2015-16 and 2016-17 school years, this enhancement is within the program of basic education. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i)(A) The superintendent shall base allocations for each level of prototypical school on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:

Grade	RCW 28A.150.260	2015-16 School Year	2016-17 School Year
Grade K	. . . . .	22.00	19.00
Grade 1	. . . . .	23.00	21.00
Grade 2	. . . . .	24.00	22.00
Grade 3	. . . . .	25.00	22.00
Grade 4	. . . . .	27.00	27.00
Grades 5-6	. . . . .	27.00	27.00
Grades 7-8	. . . . .	28.53	28.53
Grades 9-12	. . . . .	28.74	28.74

The superintendent shall base allocations for laboratory science, career and technical education (CTE) and skill center programs average class size as provided in RCW 28A.150.260.

(B) For grades kindergarten through three, the superintendent shall allocate funding for class size reductions to the extent of, and in proportion to, the school district's demonstrated actual weighted average class size for grades kindergarten through three, down to the weighted average class size specified in subsection 2(c)(i)(A) of this section. At a minimum, the superintendent must

allocate funding sufficient to fund a weighted average class size not to exceed 25.23 full-time equivalent students per teacher in these grades.

(ii)(A) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

General education class size in high poverty schools:

Grade	RCW 28A.150.260	2015-16 School Year	2016-17 School Year
Grade K	. . . . .	18.00	17.00
Grade 1	. . . . .	19.00	17.00
Grade 2	. . . . .	22.00	18.00
Grade 3	. . . . .	24.00	21.00
Grade 4	. . . . .	27.00	27.00
Grades 5-6	. . . . .	27.00	27.00
Grades 7-8	. . . . .	28.53	28.53
Grades 9-12	. . . . .	28.74	28.74

(B) For grades kindergarten through three, the superintendent shall allocate funding for class size reductions to the extent of, and in proportion to, the school district's demonstrated actual weighted average class size for grades kindergarten through three, down to the weighted average class size specified in subsection 2(c)(ii)(A) of this section. At a minimum, the superintendent must allocate funding sufficient to fund a weighted average class size not to exceed 25.23 full-time equivalent students per teacher in these grades.

(iii) The enhancements in this subsection (2)(c) are within the program of basic education.

(iv) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(v) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and (a) of this subsection and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2015-16 School Year	2016-17 School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2015-16 and 2016-17 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistance principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors: Career and Technical Education students . . 1.025
Skill Center students 1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2015-16 and 2016-17 school years are determined using the formula-generated staff units provided in RCW 28A.150.260, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade, except that the allocation for parent involvement coordinators in an elementary school shall be 0.0825 for the 2015-16 and 2016-17 school years, which enhancement is within the program of basic education.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2015-16 and 2016-17 school year for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b), by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 1.46 percent in the 2015-16 school year and ((~~1.46~~)) 1.45 percent in the 2016-17 school year for career and technical education students, and 17.33 percent in the 2015-16 school year and ((~~17.33~~)) 17.31 percent in the 2016-17 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 21.42 percent in the 2015-16 school year and 21.42 percent in the 2016-17 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 22.72 percent in the 2015-16 school year and 22.72 percent in the 2016-17 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504 of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1,440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2015-16 SCHOOL YEAR	2016-17 SCHOOL YEAR
Technology	$127.17	((~~$129.33~~)) $128.58
Utilities and Insurance	$345.55	((~~$351.43~~)) $349.35
Curriculum and Textbooks	$136.54	((~~$138.86~~)) $138.04
Other Supplies and Library Materials	$289.88	((~~$294.81~~)) $293.07
Instructional Professional Development for Certificated and Classified Staff	$21.12	((~~$21.47~~)) $21.35
Facilities Maintenance	$171.19	((~~$174.10~~)) $173.07
Security and Central Office	$118.60	((~~$120.61~~)) $119.90
TOTAL BASIC EDUCATION MSOC/STUDENT FTE	$1,210.05	((~~$1,230.62~~)) $1,223.36

(ii) For the 2016-17 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of $1,272.99 for the 2015-16 school year and ((~~$1,294.63~~)) $1,286.99 for the 2016-17 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate a per student MSOC allocation of $1,431.65 for the 2015-16 school year and ((~~$1,455.99~~)) $1,447.40 for the 2016-17 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocation provided in (a) of this subsection at the following rate:

MSOC Component	2015-16 SCHOOL YEAR	2016-17 SCHOOL YEAR
Technology	$36.57	((~~$37.19~~)) $36.98
Curriculum and Textbooks	$39.89	((~~$40.57~~)) $40.33
Other Supplies and Library Materials	$83.11	((~~$84.53~~)) $84.02
Instructional Professional Development for Certified and Classified Staff	$6.65	((~~$6.76~~)) $6.72

TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	$166.22	((~~$169.05~~)) $168.05

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2015-16 and 2016-17 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of $151.86.

(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING

(a) Amounts provided in this section from July 1, 2015, to August 31, 2015, are adjusted to reflect provisions of chapter 4, Laws of 2013 2nd sp. sess., as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

(11) DROPOUT REENGAGEMENT PROGRAM

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

(12) VOLUNTARY ALL DAY KINDERGARTEN PROGRAMS

Funding in this section is sufficient to fund voluntary all day kindergarten programs in qualifying schools in the 2015-16 school year and all schools in the 2016-17 school year, pursuant to RCW 28A.150.220 and 28A.150.315. Each kindergarten student who enrolls for the voluntary all-day program in a qualifying school shall count as one-half of one full-time equivalent student for purpose of making allocations under this section. Funding in this section provides all-day kindergarten programs for 71.88 percent of kindergarten enrollment in the 2015-16 school year and full funding in the 2016-17 school year, which enhancement is within the program of basic education.

(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure

a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (12) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2016 and 2017 as follows:

(a) $620,000 of the general fund—state appropriation for fiscal year 2016 and ((~~$631,000~~)) $627,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) $436,000 of the general fund—state appropriation for fiscal year 2016 and $436,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed $500 per full-time equivalent student enrolled in those programs.

(16) $219,000 of the general fund—state appropriation for fiscal year 2016 and ((~~$223,000~~)) $221,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for school district emergencies as certified by the superintendent of public instruction. Funding provided must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable. At the close of the fiscal year the superintendent of

public instruction shall report to the office of financial management and the appropriate fiscal committees of the legislature on the allocations provided to districts and the nature of the emergency.

(17) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in Engrossed Second Substitute House Bill No. 1546 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public instruction may average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and higher education institution. Additionally, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the student achievement council, and the education data center, shall annually track and report to the fiscal committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (12) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (12) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed 15 percent of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. School districts receiving federal forest revenues shall not have their general apportionment reduced during the 2015-2017 biennium only.

Sec. 503. 2015 3rd sp.s. c 4 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund—State Appropriation (FY 2016) . . . . . ((~~$144,596,000~~))
$137,930,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$273,916,000~~))
$265,361,000

TOTAL APPROPRIATION . . . . . ((~~$418,512,000~~))
$403,291,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding in this section is sufficient to provide a salary increase of 3.0 percent effective September 1, 2015, and 1.8 percent effective September 1, 2016. Of the salary increases provided in this section, the increases of 1.8 percent effective September 1, 2015, and of 1.2 percent effective September 1, 2016, are provided as annual cost-of-living adjustments pursuant to Initiative Measure No. 732. The remaining portions of the salary increases are provided as a one-biennium salary increase for the 2015-16 and 2016-17 school years as the state continues to review and revise state-funded salary allocations, and the increase expires August 31, 2017.

(2)(a) Additional salary adjustments as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act.

(b) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act.

(c) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act.

(d) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at 20.78 percent for the 2015-16 school year and 20.78 percent for the 2016-17 school year for certificated instructional and certificated administrative staff and 19.22 percent for the 2015-16 school year and 19.22 percent for the 2016-17 school year for classified staff.

(e) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(f) The appropriations in this section include no salary adjustments for substitute teachers.

(3) The maintenance rate for insurance benefit allocations is $768.00 per month for the 2015-16 and 2016-17 school years. The appropriations in this section reflect the incremental change in cost of allocating rates of $780.00 per month for the 2015-16 school year and $780.00 per month for the 2016-17 school year.

(4) The rates specified in this section are subject to revision each year by the legislature.

Sec. 504. 2015 3rd sp.s. c 4 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund—State Appropriation (FY 2016) . . . . . ((~~$462,616,000~~)) $496,456,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$464,507,000~~)) $488,624,000

TOTAL APPROPRIATION . . . . . ((~~$927,123,000~~)) $985,080,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2015-16 and 2016-17 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) For the 2015-16 ((~~and 2016-17~~)) school year((~~s~~)), the superintendent shall allocate funding for approved and operating charter schools as provided in RCW 28A.710.220(3) for September through November 2015. Per-student allocations for pupil transportation must be calculated using the allocation for the previous school year to the school district in which the charter school is located and the number of eligible students in the district, and must be distributed to the charter school based on the number of eligible students.

(c) From July 1, 2015 to August 31, 2015, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 4, Laws of 2013 2nd sp. sess., as amended.

(3) A maximum of $892,000 of this fiscal year 2016 appropriation and a maximum of $892,000 of the fiscal year 2017 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(4) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a

comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(5) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(6) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(7) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

Sec. 505. 2015 3rd sp.s. c 4 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2016) . . . . . ((~~$814,541,000~~)) $805,866,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$864,715,000~~)) $853,389,000

General Fund—Federal Appropriation . . . . . ((~~$476,539,000~~)) $483,538,000

Education Legacy Trust Account—State Appropriation $54,694,000

TOTAL APPROPRIATION . . . . . ((~~$2,210,489,000~~)) $2,197,487,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2015-16 and 2016-17 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes allocations provided under section 502(4) for parent involvement coordinators in prototypical elementary schools and guidance counselors in prototypical middle schools as provided under section 502(2), which enhancement is within the program of basic education.

(b) From July 1, 2015 to August 31, 2015, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 4, Laws of 2013 2nd sp. sess., as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) ((~~$23,679,000~~)) $20,691,000 of the general fund—state appropriation for fiscal year 2016, ((~~$28,092,000~~)) $24,473,000 of the general fund—state appropriation for fiscal year 2017, and ((~~$29,574,000~~)) $27,350,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2015-16 and 2016-17 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (ESHB 2261).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss.

Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of $931,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) $255,000 of the general fund—state appropriation for fiscal year 2016 and $256,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(12) $50,000 of the general fund—state appropriation for fiscal year 2016, $50,000 of the general fund—state appropriation for fiscal year 2017, and $100,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

Sec. 506. 2015 3rd sp.s. c 4 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund—State Appropriation (FY 2016) . . . . . ((~~$8,219,000~~)) $8,208,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$8,205,000~~)) $8,200,000

TOTAL APPROPRIATION . . . . . ((~~$16,424,000~~)) $16,408,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and

other expenditures related to providing regional professional development support.

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 507. 2015 3rd sp.s. c 4 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund—State Appropriation (FY 2016) . . . . . ((~~$365,446,000~~)) $375,622,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$377,398,000~~)) $390,801,000

TOTAL APPROPRIATION . . . . . ((~~$742,844,000~~)) $766,423,000

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 4.27 percent from the 2014-15 school year to the 2015-16 school year and 1.09 percent from the 2015-16 school year to the 2016-17 school year.

Sec. 508. 2015 3rd sp.s. c 4 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2016) . . . . . ((~~$13,967,000~~)) $13,239,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$14,003,000~~)) $13,271,000

TOTAL APPROPRIATION . . . . . ((~~$27,970,000~~)) $26,510,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) ((~~$685,000~~)) $757,000 of the general fund—state appropriation for fiscal year 2016 and ((~~$685,000~~)) $757,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 509. 2015 3rd sp.s. c 4 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund—State Appropriation (FY 2016) . . . . . ((~~$10,002,000~~)) $10,012,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$10,189,000~~)) $10,162,000

TOTAL APPROPRIATION . . . . . ((~~$20,191,000~~)) $20,174,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2015-16 and 2016-17 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c). In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2015, to August 31, 2015, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 4, Laws of 2013 2nd sp. sess., as amended.

(3) $85,000 of the general fund—state appropriation for fiscal year 2016 and $85,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the centrum program at Fort Worden state park.

Sec. 510. 2015 3rd sp.s. c 4 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—NO CHILD LEFT BEHIND ACT

General Fund—Federal Appropriation . . . . . ((~~$4,302,000~~)) $4,802,000

TOTAL APPROPRIATION . . . . . ((~~$4,302,000~~)) $4,802,000

Sec. 511. 2015 3rd sp.s. c 4 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General Fund—State Appropriation (FY 2016) . . . . . ((~~$120,121,000~~)) $116,893,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$122,191,000~~)) $134,641,000

General Fund—Federal Appropriation . . . . . ((~~$94,180,000~~)) $99,278,000

General Fund—Private/Local Appropriation $2,721,000

Education Legacy Trust Account—State Appropriation $1,613,000

TOTAL APPROPRIATION . . . . . ((~~$340,826,000~~)) $355,146,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~$33,620,000~~)) $29,137,000 of the general fund—state appropriation for fiscal year 2016, ((~~$34,504,000~~)) $36,648,000 of the general fund—state appropriation for fiscal year 2017, $1,350,000 of the education legacy trust account—state appropriation, and ((~~$15,868,000~~)) $16,268,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system, including: (a) Development and implementation of retake assessments for high school students who are not successful in one or more content areas; and (b) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student assessment results, on or around June 10th of each year. State funding to districts shall be limited to one collection of evidence payment per student, per content-area assessment. Within the amounts provided in this section, the superintendent of public instruction shall administer the biology collection of evidence. The alternative assessment method that consists of an evaluation of a collection of student work samples under RCW 28A.655.065 (5) and (6) is intended to provide an alternative way for students to meet the state standards for high school graduation purposes. To ensure that students are learning the state standards, prior to the collection of work samples being submitted to the state for evaluation, a classroom teacher or other educator must review the collection of work to determine whether the sample is likely to meet the minimum required score to meet the state standard.

(2) $356,000 of the general fund—state appropriation for fiscal year 2016 and $356,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities coordinated at the Pacific science center, including instructional material purchases, teacher and principal professional development, and school and community engagement events.

(3) $3,935,000 of the general fund—state appropriation for fiscal year 2016 and $3,935,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(4) ((~~$49,877,000~~)) $51,337,000 of the general fund—state appropriation for fiscal year 2016 and ((~~$50,334,000~~)) $56,939,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(a) For national board certified teachers, a bonus of $5,151 per teacher in the 2015-16 school year and a bonus of ((~~$5,239~~)) $5,208 per teacher in the 2016-17 school year;

(b) An additional $5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(c) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(d) During the 2015-16 and 2016-17 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary schedule and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the

assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(5) $477,000 of the general fund—state appropriation for fiscal year 2016 and $477,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(6) $950,000 of the general fund—state appropriation for fiscal year 2016 and $950,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(7) $810,000 of the general fund—state appropriation for fiscal year 2016 and $810,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(8) $3,000,000 of the general fund—state appropriation for fiscal year 2016 and $3,000,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(9) $1,677,000 of the general fund—state appropriation for fiscal year 2016 and $1,677,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008. If equally matched by private donations, $700,000 of the 2016 appropriation and $700,000 of the 2017 appropriation shall be used to support FIRST robotics programs. Of the amounts in this subsection, $100,000 of the fiscal year 2016 appropriation and $100,000 of the fiscal year 2017 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(10) $125,000 of the general fund—state appropriation for fiscal year 2016 and $125,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of $2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(11) $135,000 of the general fund—state appropriation for fiscal year 2016 and $135,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(12) $5,500,000 of the general fund—state appropriation for fiscal year 2016 and ((~~$5,500,000~~)) $9,000,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a beginning educator support program. The program shall prioritize first year teachers in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(13) $250,000 of the general fund—state appropriation for fiscal year 2016 and $250,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2016, a high school must have offered a foundational project lead the way course during the 2014-15 school year. The 2016 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2015-16 school year. To be eligible for funding in 2016, a high school must have offered a foundational project lead the way course during the 2015-16 school year. The 2017 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2016-17 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

(14) $300,000 of the general fund—state appropriation for fiscal year 2016 and $300,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for annual start-up or expansion grants for aerospace and manufacturing technical programs housed at ((~~four~~)) skill centers. The grants are provided for equipment, professional development, and curriculum purchases. To be eligible for funding, the skill center must agree to provide regional high schools with access to a technology laboratory, expand manufacturing certificate and course offerings at the skill center, and provide a laboratory space for local high school teachers to engage in professional development in the instruction of courses leading to student employment certification in the aerospace ((~~and~~)), manufacturing industries, or other high-skill programs as determined by the superintendent of public instruction or for professional development of such programs. The office of the superintendent of public instruction shall administer the grants in consultation with the center for excellence for aerospace and advanced materials manufacturing.

(15) $150,000 of the general fund—state appropriation for fiscal year 2016 and $150,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for annual start-up or expansion grants to ((~~six~~)) high schools to implement or expand ((~~the~~)) aerospace ((~~assembler program~~)) manufacturing programs, or other high-skill programs as determined by the superintendent of

public instruction or for professional development of such programs. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

(16) $5,000,000 of the general fund—state appropriation for fiscal year 2016 and $5,000,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the provision of training for teachers in the performance-based teacher principal evaluation program.

(17) $7,235,000 of the general fund—state appropriation for fiscal year 2016 and $9,352,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of chapter 159, Laws of 2013 (Engrossed Second Substitute Senate Bill No. 5329) (persistently failing schools).

(18) $100,000 of the general fund—state appropriation for fiscal year 2016 and $100,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(19) $99,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for the office of the superintendent of public instruction to implement a youth dropout prevention program that incorporates partnerships between community-based organizations, schools, food banks and farms or gardens. The office of the superintendent of public instruction shall select one school district that must partner with an organization that is operating an existing similar program and that also has the ability to serve at least 40 students. Of the amount appropriated in this subsection, up to $10,000 may be used by the office of the superintendent of public instruction for administration of the program.

(20) $2,194,000 of the general fund—state appropriation for fiscal year 2016 and $2,194,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to implement chapter 18, Laws of 2013 2nd sp. sess. (Engrossed Substitute Senate Bill No. 5946) (strengthening student educational outcomes).

(21) ((~~$1,061,000~~)) $856,000 of the general fund—state appropriation for fiscal year 2016 and $1,061,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for chapter 184, Laws of 2013 (Second Substitute House Bill No. 1642) (academic acceleration) and other activities proven to increase K-12 student enrollment in rigorous courses.

(22) $36,000 of the general fund—state appropriation for fiscal year 2016 and $36,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for chapter 212, Laws of 2014 (Substitute Senate Bill No. 6074) (homeless student educational outcomes).

(23) $80,000 of the general fund—state appropriation for fiscal year 2016 and $80,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for chapter 219, Laws of 2014 (Second Substitute Senate Bill No. 6163) (expanded learning).

(24) $15,000 of the general fund—state appropriation for fiscal year 2016 and $10,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for chapter 102, Laws of 2014 (Senate Bill No. 6424) (biliteracy seal).

(25) $500,000 of the general fund—state appropriation for fiscal year 2016 and $500,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization to integrate the state learning standards in English language arts, mathematics, and science with outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors.

(26) $1,392,000 of general fund—state appropriation for fiscal year 2016 is provided solely for professional development and coaching for state-funded high school mathematics and science teachers. Training shall be provided in the 2015-16 school year by the science and mathematics coordinators at each educational service district. The professional development shall include instructional strategies and curriculum-specific training to improve outcomes for the statewide high school mathematics assessment or the high school biology assessment. The professional development provided may be broken up into shorter timeframes over the course of more than one day, but the aggregate amount of professional development provided shall be one full work day.

(27) $205,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for grants to high schools that have an existing international baccalaureate program and enrollments of seventy percent or more students eligible for free or reduced-price meals in the prior school year to implement and sustain an international baccalaureate program.

(28) Within the amounts provided in this section, the superintendent of public instruction shall obtain an existing student assessment inventory tool that is free and openly licensed and distribute the tool to every school district. Each school district shall use the student assessment inventory tool to identify all state-level and district-level assessments that are required of students. The state-required assessments should include: Reading proficiency assessments used for compliance with RCW 28A.320.202; the required statewide assessments under chapter 28A.655 RCW in grades three through eight and at the high school level in English language arts, mathematics, and science, as well as the practice and training tests used to prepare for them; and the high school end-of-course exams in mathematics under RCW 28A.655.066. District-required assessments should include: The second grade reading assessment used to comply with RCW 28A.300.320; interim smarter balanced assessments, if required; the measures of academic progress assessment, if required; and other required interim, benchmark, or summative standardized assessments, including assessments used in social studies, the arts, health, and physical education in accordance with RCW 28A.230.095, and for educational technology in accordance with RCW 28A.655.075. The assessments identified should not include assessments used to determine eligibility for any categorical program including the transitional bilingual instruction program, learning assistance program, highly capable program, special education program, or any formative or diagnostic assessments used solely to inform teacher instructional practices, other than those already identified. By October 15, 2016, each district shall report to the superintendent the amount of student time that is spent taking each assessment identified. By December 15, 2016, the superintendent shall summarize the information reported by the school districts and report to the education committees of the house of representatives and the senate.

Sec. 512. 2015 3rd sp.s. c 4 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund—State Appropriation (FY 2016) . . . . . ((~~$118,057,000~~))
$118,648,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$121,869,000~~))
$124,751,000

General Fund—Federal Appropriation $72,207,000

TOTAL APPROPRIATION . . . . . ((~~$312,133,000~~))
$315,606,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2015-16 and 2016-17 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through twelve in school years 2015-16 and 2016-17; (ii) additional instruction of 3.0000 hours per week in school years 2015-16 and 2016-17 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2015, to August 31, 2015, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 4, Laws of 2013, 2nd sp. sess., as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: ((~~1.15~~)) 2.40 percent for school year 2015-16 and ((~~1.12~~)) 1.97 percent for school year 2016-17.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) $35,000 of the general fund—state appropriation for fiscal year 2016 and $35,000 of the general fund—state appropriation for fiscal year 2017 are

provided solely to track current and former transitional bilingual program students.

Sec. 513. 2015 3rd sp.s. c 4 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund—State Appropriation (FY 2016) . . . . . ((~~$223,440,000~~)) $224,311,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$227,490,000~~)) $228,865,000

General Fund—Federal Appropriation . . . . . ((~~$448,468,000~~)) $494,468,000

TOTAL APPROPRIATION . . . . . ((~~$899,398,000~~)) $947,644,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2015-16 and 2016-17 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2015-16 school year and the 2016-17 school year; (B) fifteen learning assistance program students per teacher; (C) 36 instructional weeks per year; (D) 900 instructional hours per teacher; and (E) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(ii) From July 1, 2015, to August 31, 2015, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 4, Laws of 2013, 2nd sp. sess., as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2015-16 and 2016-17 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

Sec. 514. 2015 3rd sp.s. c 4 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2016, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2016 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) As required by RCW 28A.710.110 as amended by Engrossed Second Substitute Senate Bill No. 6194 (public schools other than common schools), the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

((~~(5)~~)) (7) State general fund appropriations distributed through Part V of this act for the operation and administration of charter schools as provided in

chapter 28A.710 RCW shall not include state common school levy revenues collected under RCW 84.52.065.

NEW SECTION. **Sec. 515.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:

K-12 PUBLIC SCHOOL FUNDING AND LOCAL LEVIES

(1) The legislature confirms its obligation, as expressly recognized in chapter 3, Laws of 2016 (E2SSB 6195), to provide state funding in the 2017 legislative session for competitive compensation to recruit and retain competent common school staff and administrators, while eliminating school district dependency on local levies for implementation of the state's program of basic education.

(2) In order to facilitate budget and personnel planning by local school districts for the 2017-18 school year, and to minimize any disruption to that planning, the education funding task force established by chapter 3, Laws of 2016, shall by April 1, 2017, either:

(a) Determine that the legislature will meet its obligation under subsection (1) of this section and that such legislative action will be completed by April 30, 2017; or

(b) Introduce legislation that will extend current state levy policy for at least one calendar year, with the objective of enacting such legislation by April 30, 2017.

NEW SECTION. **Sec. 516.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS

Washington Opportunity Pathways Account—State Appropriation. $10,159,000

The appropriation in this section is subject to the following conditions and limitations: The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW as amended by Engrossed Second Substitute Senate Bill No. 6194 (public schools other than common schools).

Sec. 517. 2015 3rd sp.s. c 4 s 517 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION

General Fund—State Appropriation (FY 2016) . . . . . (($~~$490,000~~)) $497,000

((~~General Fund—State Appropriation (FY 2017) . . . . . $336,000~~))

Washington Opportunity Pathways Account—State Appropriation. $546,000

Charter Schools Oversight Account—State Appropriation . . . . . (($~~$737,000~~)) $400,000

TOTAL APPROPRIATION . . . . . ((~~$1,563,000~~)) $1,443,000

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public

instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW as amended by Engrossed Second Substitute Senate Bill No. 6194 (public schools other than common schools).

PART VI
HIGHER EDUCATION

Sec. 601. 2015 3rd sp.s. c 4 s 601 (uncodified) is amended to read as follows:

The appropriations in sections 605 through 611 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 605 through 611 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the office of financial management for inclusion in the agency's data warehouse. Uniform reporting procedures shall be established by the office of financial management's office of the state human resources director for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4)(a) For institutions receiving appropriations in section 605 of this act, the only allowable salary increases provided are those with normally occurring promotions and increases related to faculty and staff retention, except as provided in Part IX of this act. In fiscal year 2016 and fiscal year 2017, the state board for community and technical colleges may use salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training.

(b) For employees under the jurisdiction of chapter 41.56 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) For each institution of higher education receiving appropriations under sections 606 through 611 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention and as provided in Part IX of this act; and

(ii) Institutions may provide salary increases from other sources to instructional and research faculty at the universities and The Evergreen State College, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under chapter 41.80 RCW. Any salary increase granted under the authority of this subsection (4)(c)(ii) shall not be included in an

institution's salary base for future state funding. It is the intent of the legislature that state general fund support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (4)(c)(ii).

(5) Fiscal or related staff for institutions receiving appropriations in sections 605 through 611 of this act shall form a technical tuition calculation work group with staff from the office of financial management including the education research and data center, nonpartisan legislative fiscal staff, and staff from legislative evaluation and accountability program. The work group shall determine key elements, definitions, assumptions, and drivers to forecast tuition revenue. By ((~~December 1, 2015~~)) January 8, 2016, the work group shall recommend a single methodology for budget, allotment, and budget scenario modeling purposes. The work group may consult with the caseload forecast council as needed.

(6) Within funds appropriated to institutions in sections 603 through 608 of this act, teacher preparation programs shall meet the requirements of RCW 28B.10.710 to incorporate information on the culture, history, and government of American Indian people in this state by integrating the curriculum developed and made available free of charge by the office of the superintendent of public instruction into existing programs or courses and may modify that curriculum in order to incorporate elements that have a regionally specific focus.

(7) Within funds appropriated to institutions in sections 605 through 608 of this act, the institutions shall create a work group to study the benefits, challenges, and best practices surrounding accelerated degree programs. The work group shall include one representative from each institution. Each representative shall be selected by the institution he or she represents. The work group may invite, at its discretion, representatives from other public and private Washington institutions of higher education and agencies to provide advice and expertise.

(a) The purpose of the work group is to:

(i) Develop a set of institutional best practices to promote students' ability to successfully graduate with a baccalaureate degree within three years of entering a regional university or The Evergreen State College;

(ii) Identify challenges or obstacles that prevent wider adoption of accelerated degree program options and university students from participating in three-year or other accelerated programs;

(iii) Evaluate how public and private institutions of higher education in other states have engaged in accelerated baccalaureate degree programs; and

(iv) Develop recommendations that would effectively increase the overall rate of students achieving their baccalaureate degree within three years.

(b) The work group shall report to the appropriate committees of the legislature and the institutions of higher education on its findings and recommendations by December 31, 2016.

Sec. 602. 2015 3rd sp.s. c 4 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund—State Appropriation (FY 2016) . . . . . .((~~$626,297,000~~))
$625,251,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$646,381,000~~)) $666,835,000
Community/Technical College Capital Projects Account—State Appropriation $17,548,000
Education Construction Account—State Appropriation $7,109,000
Education Legacy Trust Account—State Appropriation. . . . . ((~~$96,108,000~~)) $96,422,000
TOTAL APPROPRIATION . . . . . ((~~$1,386,334,000~~)) $1,413,165,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $33,261,000 of the general fund—state appropriation for fiscal year 2016 and $33,261,000 of the general fund—state appropriation for fiscal year 2017 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2016 and at least 7,170 full-time equivalent students in fiscal year 2017.

(2) $5,450,000 of the education legacy trust account—state appropriation is provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) $425,000 of the general fund—state appropriation for fiscal year 2016 and $425,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for Seattle central college's expansion of allied health programs.

(4) ((~~$16,672,000~~)) $17,058,000 of the general fund—state appropriation for fiscal year 2016 and ((~~$17,027,000~~)) $17,506,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 5954 (college affordability program). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse. For the 2016-17 academic year, if the total full-time equivalent annual average resident undergraduate enrollment for all community and technical colleges increases by more than one percent from the 2015-16 academic year, for purposes of calculating state funding for the tuition reduction backfill, only a one percent growth rate or all community and technical colleges' total preceding five-year average percentage full-time equivalent enrollment change, whichever is greater, may be used in calculating the backfill.

(5) $5,250,000 of the general fund—state appropriation for fiscal year ((~~2014~~)) 2016 and $5,250,000 of the general fund—state appropriation for fiscal year ((~~2015~~)) 2017 are provided solely for the student achievement initiative.

(6) $410,000 of the general fund—state appropriation for fiscal year 2016, and ((~~$410,000~~)) $860,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the expansion of the mathematics, engineering, and science achievement program. The state board shall report back to the

appropriate committees of the legislature on the number of campuses and students served by December 31, 2018.

(7) $750,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for Bellevue college to develop a baccalaureate of science degree in computer science. Subject to approval by the state board for community and technical colleges, in fiscal year 2016 Bellevue college shall develop a baccalaureate of science degree in computer science. This degree must be directed at high school graduates who may enroll directly as freshmen and transfer-oriented degree and professional and technical degree holders. Bellevue college will develop a plan for offering this new degree by no later than fall quarter 2016. With the exception of the amounts provided in this subsection, the plan must assume funding for this new degree will come through redistribution of the college's current per full-time enrollment funding. The plan shall be delivered to the state board by June 30, 2016.

(8) Pursuant to aerospace industry appropriations (chapter 1, Laws of 2013 3rd sp. sess.), $1,080,000 of the general fund—state appropriation for fiscal year 2016 and $1,500,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(9) $150,000 of the general fund—state appropriation for fiscal year 2016 and $150,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the state board to conduct a feasibility study for a potential new community and technical college in the Graham, Washington area.

(10) $100,000 of the general fund—state appropriation for fiscal year 2016 and $100,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(11) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(12) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(13)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal

periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The state board must contract with an independent verification and validation consultant to review the software that currently exists to determine if configuration and integrations are complete and to evaluate readiness to move forward with the ctcLink project. The state board must define the consultant's scope of work in conjunction with the office of chief information officer and allow for independent reporting by the consultant to the office of chief information officer.

(d) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer.

(14) $750,000 of the general fund—state appropriation for fiscal year 2016 and $2,250,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for Bellingham Technical College to administer on-site worker training and skill enhancement training for employees of trade-impacted industrial facilities pursuant to trade adjustment assistance decision 64764.

(15) $157,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for Wenatchee Valley college to develop a wildfire prevention program.

Sec. 603. 2015 3rd sp.s. c 4 s 606 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund—State Appropriation (FY 2016) . . . . . ((~~$278,887,000~~)) $279,934,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$312,687,000~~)) $317,254,000

Education Legacy Trust Account—State Appropriation . . . . . ((~~$27,998,000~~)) $28,088,000

Economic Development Strategic Reserve Account—State Appropriation . . . . . ((~~$3,010,000~~)) $3,011,000

Biotoxin Account—State Appropriation . . . . . ((~~$392,000~~)) $492,000

Accident Account—State Appropriation . . . . . ((~~$7,108,000~~)) $7,129,000

Medical Aid Account—State Appropriation . . . . . ((~~$6,730,000~~)) $6,749,000

Aquatic Land Enhancement Account—State Appropriation $1,550,000

Dedicated Marijuana Account—State Appropriation (FY 2016). $227,000

Dedicated Marijuana Account—State Appropriation (FY 2017). $227,000

TOTAL APPROPRIATION . . . . . ((~~$638,816,000~~)) $644,661,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $52,000 of the general fund—state appropriation for fiscal year 2016 and $52,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the center for international trade in forest products in the college of forest resources.

(2) $200,000 of the general fund—state appropriation for fiscal year 2016 and $200,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(3) $8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to expand the number of residency slots available in Washington.

(4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(5) $1,550,000 of the aquatic lands enhancement account—state is provided solely for ocean acidification monitoring, forecasting, and research and for operation of the Washington ocean acidification center. By September 1, 2015, the center must provide a biennial work plan and begin quarterly progress reports to the Washington marine resources advisory council created under RCW 43.06.338.

(6) $6,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(7) ((~~$10,018,000~~)) $10,429,000 of the general fund—state appropriation for fiscal year 2016 and ((~~$34,053,000~~)) $37,155,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 5954 (college affordability program). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse. For the 2016-17 academic year, if the university's full-time equivalent annual average resident undergraduate enrollment increases by more than one percent from the 2015-16 academic year, for purposes of calculating state funding for the tuition reduction backfill, only a one percent growth rate or the university's preceding five-year average percentage full-time equivalent enrollment change, whichever is greater, may be used in calculating the backfill.

(8) $3,000,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(9) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(10) $250,000 of the general fund—state appropriation for fiscal year 2016 and $250,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the latino health center.

(11) $200,000 of the general fund—state appropriation for fiscal year 2016 and $200,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the climate impacts group in the college of the environment.

(12) To the extent federal or private funding is available for this purpose, the center for education data and research at the University of Washington shall examine the relationship between participation in pension systems and teacher quality and mobility patterns in the state, including changes in the patterns that have occurred since the 2009-2011 fiscal biennium. The department of retirement systems shall facilitate University of Washington researchers' access to necessary individual-level data necessary to effectively conduct the study. The University of Washington shall ensure that no individually identifiable information will be disclosed at any time. An interim report on project findings must be completed by November 15, 2015, and a final report must be submitted to the governor and to the relevant committees of the legislature by October 15, 2016.

(13) $3,600,000 of the general fund—state appropriation for fiscal year 2016 and $5,400,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the continued operations of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(14) Within the amounts provided in this section, the university must determine the feasibility of establishing inter-agency agreements with the department of corrections and the special commitment center within the department of social and health services to provide each entity with discount pricing on prescription hepatitis C medications or other prescription medications as allowed under section 340B of the public health services act. By January 1, 2016, the university must submit a report to the relevant policy and fiscal committees of the legislature that includes the following:

(a) Description of the steps required to achieve institutional cooperation on 340B pricing;

(b) Identification of barriers to achieving such an agreement;

(c) Where possible, possible solutions to overcoming these barriers;

(d) Estimates of the fiscal impact of this agreement in the 2015-2017 and 2017-2019 fiscal biennia; and

(e) Timeline for implementation of such an agreement.

The inter-agency agreements must be in place prior to July 1, 2016, and the agreements must not jeopardize the University of Washington's current compliance status with 340B program rules and regulations.

(15) Within the funds appropriated in this section, the University of Washington shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2017-2019 biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(16) $18,000 of the general fund—state appropriation for fiscal year 2016 and $18,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to implement Substitute Senate Bill No. 6519 (telemedicine). If the bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(17) $25,000 of the general fund—state appropriation for fiscal year 2016 and $25,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of House Bill No. 1138 (higher education mental health).

Sec. 604. 2015 3rd sp.s. c 4 s 607 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund—State Appropriation (FY 2016) . . . . . ((~~$181,038,000~~)) $181,494,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$204,858,000~~)) $207,738,000

Education Legacy Trust Account—State Appropriation $33,995,000

Dedicated Marijuana Account—State Appropriation (FY 2016) $138,000

Dedicated Marijuana Account—State Appropriation (FY 2017) $138,000

TOTAL APPROPRIATION . . . . . ((~~$420,167,000~~)) $423,503,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $90,000 of the general fund—state appropriation for fiscal year 2016 and $90,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) $1,000,000 of the general fund—state appropriation for fiscal 2016 and $630,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(4) $1,000,000 of the general fund—state appropriation for fiscal year 2016 and $1,370,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(5) $500,000 of the general fund—state appropriation for fiscal year 2016 and $500,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for state match requirements related to the federal aviation administration grant.

(6) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(7) ((~~$8,714,000~~)) $8,980,000 of the general fund—state appropriation for fiscal year 2016 and ((~~$25,266,000~~)) $27,068,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 5954 (college affordability program). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse. For the 2016-17 academic year, if the university's full-time equivalent annual average resident undergraduate enrollment increases by more than one percent from the 2015-16 academic year, for purposes of calculating state funding for the tuition reduction backfill, only a one percent growth rate or the university's preceding five-year average percentage full-time equivalent enrollment change, whichever is greater, may be used in calculating the backfill.

(8) $1,098,000 of the general fund—state appropriation for fiscal year 2016 and $1,402,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for development of a medical school in Spokane. Funding must support the development of the curriculum, the courses, the faculty, and the administrative structure required by the liaison committee on medical education.

(9) Within the funds appropriated in this section, Washington State University is required to provide administrative support to the sustainable aviation biofuels work group authorized under RCW 28B.30.904.

(10) Within the funds appropriated in this section, Washington State University shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2017-2019 biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(11) $135,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for a honey bee biology research position.

(12) $580,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

Sec. 605. 2015 3rd sp.s. c 4 s 608 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2016) . . . . . ((~~$38,603,000~~)) $38,689,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$47,498,000~~)) $48,098,000

Education Legacy Trust Account—State
Appropriation. . . . . ((~~$16,598,000~~))
$16,718,000
TOTAL APPROPRIATION . . . . . ((~~$102,699,000~~))
$103,505,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least $200,000 of the general fund—state appropriation for fiscal year 2016 and at least $200,000 of the general fund—state appropriation for fiscal year 2017 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) $750,000 of the general fund—state appropriation for fiscal year 2016 and $750,000 of the general fund—state appropriation are provided solely for student success and advising programs that lead to increased degree completion.

(5) ((~~$2,386,000~~)) $2,425,000 of the general fund—state appropriation for fiscal year 2016 and ((~~$9,171,000~~)) $9,698,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 5954 (college affordability program). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse. For the 2016-17 academic year, if the university's full-time equivalent annual average resident undergraduate enrollment increases by more than one percent from the 2015-16 academic year, for purposes of calculating state funding for the tuition reduction backfill, only a one percent growth rate or the university's preceding five-year average percentage full-time equivalent enrollment change, whichever is greater, may be used in calculating the backfill.

Sec. 606. 2015 3rd sp.s. c 4 s 609 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2016) . . . . . ((~~$36,947,000~~))
$36,958,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$47,405,000~~))
$47,578,000
Education Legacy Trust Account—State Appropriation . . . . . ((~~$19,076,000~~))
$19,140,000
TOTAL APPROPRIATION . . . . . ((~~$103,428,000~~))
$103,676,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) $750,000 of the general fund—state appropriation for fiscal year 2016 and $750,000 of the general fund—state appropriation are provided solely for student success and advising programs that lead to increased degree completion.

(4) ((~~$2,757,000~~)) $2,739,000 of the general fund—state appropriation for fiscal year 2016 and ((~~$10,632,000~~)) $10,826,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 5954 (college affordability program). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse. For the 2016-17 academic year, if the university's full-time equivalent annual average resident undergraduate enrollment increases by more than one percent from the 2015-16 academic year, for purposes of calculating state funding for the tuition reduction backfill, only a one percent growth rate or the university's preceding five-year average percentage full-time equivalent enrollment change, whichever is greater, may be used in calculating the backfill.

Sec. 607. 2015 3rd sp.s. c 4 s 610 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund—State Appropriation (FY 2016) $22,068,000
General Fund—State Appropriation (FY 2017) . . . . . .((~~$25,261,000~~))
$25,441,000
Education Legacy Trust Account—State Appropriation . . . . . .((~~$5,450,000~~))
$5,493,000
TOTAL APPROPRIATION . . . . . .((~~$52,779,000~~))
$53,002,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $39,000 of the general fund—state appropriation for fiscal year 2016 and $55,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of chapter 244, Laws of 2015 (college bound).

(2) $39,000 of the general fund—state appropriation for fiscal year 2016 and $32,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1491 (early care & education system). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse.

(3) ((~~$885,000~~)) $837,000 of the general fund—state appropriation for fiscal year 2016 and ((~~$3,411,000~~)) $3,327,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of

Second Engrossed Substitute Senate Bill No. 5954 (college affordability program). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse. For the 2016-17 academic year, if the college's full-time equivalent annual average resident undergraduate enrollment increases by more than one percent from the 2015-16 academic year, for purposes of calculating state funding for the tuition reduction backfill, only a one percent growth rate or the college's preceding five-year average percentage full-time equivalent enrollment change, whichever is greater, may be used in calculating the backfill.

(4) $40,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for the tuition metric study in Second Engrossed Substitute Senate Bill No. 5954 (college affordability program). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse.

(5) $121,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for implementation of section 15 of chapter 269, Laws of 2015 (mental health/involuntary outpatient). If the bill is not enacted by July 10, 2015, the amount provided in this subsection shall lapse.

(6) $295,000 of the general fund—state appropriation for fiscal year 2016 and $295,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington state institute of public policy to contract with an objective, non-partisan, nationally known organization to examine policy options for increasing the availability of primary care services in rural Washington.

(7) $750,000 of the general fund—state appropriation for fiscal year 2016 and $750,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for student success and advising programs that lead to increased degree completion.

(8) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(9) $50,000 of the general fund—state appropriation for fiscal year 2016 and $50,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington state institute for public policy to review existing research literature and begin a four-year study to evaluate outcomes regarding the cost effectiveness of FDA approved long-acting injectable medications that are indicated for the treatment of alcohol and opiate dependence. Any outcome evaluation will be focused on potential benefits to prison offenders being released into the community and the effects on recidivism. The institute shall submit a report summarizing cost-effectiveness findings from the existing research literature to the appropriate committees of the legislature by December 31, 2016.

(10) Notwithstanding other provisions in this section, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2015-2017 work plan as necessary to efficiently manage workload.

(11) The Evergreen State College shall not use funds appropriated in this section to support intercollegiate athletics programs.

(12) $48,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Second Substitute House Bill No.

2449 (truancy reduction). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(13) $32,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Second Substitute House Bill No. 2791 (Washington statewide reentry council). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(14) $16,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6455 (professional educator workforce). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(15) $26,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Senate Bill No. 6620 (school safety). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(16) $30,000 of the general fund—state appropriation for fiscal year 2016 and $120,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington state institute for public policy to evaluate and report to the appropriate legislative committees on the impact and cost effectiveness of the hub home model, a model for foster care delivery. The institute shall use the most appropriate available methods to evaluate the model's impact on child safety, permanency, placement stability and, if possible, sibling connections, culturally relevant care, and caregiver retention. The report shall include an analysis of whether the model yields long-term cost savings in comparison with traditional foster care. The department of social and health services children's administration shall facilitate provision of the data necessary to conduct the evaluation. The institute shall submit an interim report by January 15, 2017, and a final report by June 30, 2017. The institute may receive additional funds from a private organization for the purpose of the evaluation.

Sec. 608. 2015 3rd sp.s. c 4 s 611 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2016) . . . . . ((~~$53,332,000~~))
$53,447,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$66,059,000~~))
$67,091,000

Education Legacy Trust Account—State
Appropriation. . . . . ((~~$13,720,000~~))
$13,737,000

TOTAL APPROPRIATION . . . . . ((~~$133,111,000~~))
$134,275,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-

practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) $910,000 of the general fund—state appropriation for fiscal year 2016 and $630,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the creation of a computer and information systems security program located at Olympic college - Poulsbo. The university is expected to enroll 30 students each academic year beginning in fiscal year 2017. The university must identify these students separately when providing data to the educational data centers as required in (1) of this section.

(3) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) ((~~$3,656,000~~)) $3,726,000 of the general fund—state appropriation for fiscal year 2016 and ((~~$14,087,000~~)) $14,819,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 5954 (college affordability program). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse. For the 2016-17 academic year, if the university's full-time equivalent annual average resident undergraduate enrollment increases by more than one percent from the 2015-16 academic year, for purposes of calculating state funding for the tuition reduction backfill, only a one percent growth rate or the university's preceding five-year average percentage full-time equivalent enrollment change, whichever is greater, may be used in calculating the backfill.

(5) $250,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the endowment of the Jaffee professorship in Jewish history and holocaust studies.

Sec. 609. 2015 3rd sp.s. c 4 s 612 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL—POLICY COORDINATION AND ADMINISTRATION

General Fund—State Appropriation (FY 2016) . . . . . ((~~$5,528,000~~)) $5,515,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$5,631,000~~)) $6,217,000

General Fund—Federal Appropriation $4,859,000

TOTAL APPROPRIATION . . . . . ((~~$16,018,000~~)) $16,591,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $182,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the student achievement council, the workforce training and education coordinating board, and the department of licensing to work together to design and oversee a study, to be administered by the council, that objectively analyzes and makes recommendations about systemic overlaps and gaps in jurisdiction regarding for-profit degree-granting institutions and private vocational schools in the state. The council may contract with a neutral third-party research organization to conduct the study. The study must be conducted in two phases, starting with an assessment of perspectives and relevant studies. A

second phase, if deemed appropriate by the council, the workforce training and education coordinating board, and other stakeholders, may consist of facilitated discussions amongst agencies, regulated entities, and stakeholders to reach agreed-upon recommendations.

(a) The study must include recommendations to improve oversight and accountability of these institutions and schools and a review of whether, and how, different standards are applied to the institutions and schools by different agencies. Specifically, the study must:

(i) Examine the data collection and reporting practices of for-profit degree-granting institutions and private vocational schools compared to the data collection and reporting of the community and technical colleges. The study must determine if there are inconsistencies and discrepancies in the practices of the for-profit degree-granting institutions and private vocational schools. The study must also make recommendations on the methods of collecting, analyzing, and reporting data, including what measurements to use, to ensure that data from for-profit degree-granting institutions and private vocational schools can be accurately compared to data from the community and technical colleges;

(ii) Study the current regulations governing these institutions and schools and recommend necessary changes to achieve consistent regulatory oversight of the entire system;

(iii) Recommend ways to implement a cohesive method for guiding and assisting current and prospective students who have questions and concerns; and

(iv) Review whether an ombuds position serving students of for-profit degree-granting institutions and private vocational schools should be created. If the recommendation is to create an ombuds position, the study must make a recommendation on which state entity should house the position.

(b) The assessment phase of the study may begin July 1, 2016. The council must issue a final report, including the result of any facilitated agreed-upon recommendations, to the appropriate committees of the legislature by January 1, 2017.

(2) $25,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to implement Second Engrossed Substitute Senate Bill No. 6601 (Washington college savings program). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(3) $250,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the council to complete a higher education needs assessment for southeast King county, and to prepare a program and operating plan to meet the higher education needs identified in the assessment. The needs assessment shall consider population changes, higher education participation rates, economic demand and work force needs, commute times for study area residents to existing higher education institutions, and any other items identified by the council. In completing the needs assessment and plan, the council shall consider the factors outlined in RCW 28B.77.080, enrollment trends in the study area, employer needs, existing and needed postsecondary programs, recommended strategies for promoting program participation, an estimated cost to meet the assessed need, and potential location sites. In preparing a program and operating plan, the council shall consider a variety of higher education options including, but not limited to, a branch campus, a university center, a private university, and an online learning center. The needs assessment and plan must be developed in

consultation with an advisory committee of civic, business, and education leaders from southeast King county. The council shall provide a preliminary report to the appropriate committees of the legislature and the governor by November 1, 2016, and a final report by January 1, 2017. The council may contract with a consultant to complete this study.

Sec. 610. 2015 3rd sp.s. c 4 s 613 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL—OFFICE OF STUDENT FINANCIAL ASSISTANCE

General Fund—State Appropriation (FY 2016) . . . . . ((~~$260,978,000~~)) $265,978,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$244,061,000~~)) $234,444,000

General Fund—Federal Appropriation . . . . . ((~~$11,798,000~~)) $11,801,000

General Fund—Private/Local Appropriation $300,000

Aerospace Training Student Loan Account—State Appropriation (FY 2017) $104,000

Washington Opportunity Expansion Account—State Appropriation $6,000,000

Education Legacy Trust Account—State Appropriation . . . . . ((~~$33,670,000~~)) $40,671,000

Health Professional Loan Repayment Scholarship Program Account—State Appropriation $1,720,000

Washington Opportunity Pathways Account—State Appropriation (FY 2016) . . . . . ((~~$175,000,000~~)) $95,061,000

Washington Opportunity Pathways Account—State Appropriation (FY 2017) $78,469,000

TOTAL APPROPRIATION . . . . . ((~~$727,527,000~~)) $734,548,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~$230,217,000~~)) $235,217,000 of the general fund—state appropriation for fiscal year 2016, ((~~$212,760,000~~)) $201,760,000 of the general fund—state appropriation for fiscal year 2017, ((~~$12,000,000~~)) $26,000,000 of the education legacy trust account—state appropriation, ((~~and $135,000,000~~)) $77,500,000 of the Washington opportunity pathways account—state appropriation for fiscal year 2016, and $67,500,000 of the Washington opportunity pathways account—state appropriation for fiscal year 2017 are provided solely for student financial aid payments under the state need grant, implementation of Second Engrossed Substitute Senate Bill No. 5954 (college affordability program), and state work study programs including up to four percent administrative allowance for the state work study program.

(2) Changes made to the state need grant program in the 2011-2013 fiscal biennium are continued in the 2015-2017 fiscal biennium. For the 2015-2017 fiscal biennium, awards given to private institutions shall be the same amount as the prior year.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2015-2017 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) Within the funds appropriated in this section, eligibility for the state need grant includes students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(5) Of the amounts provided in subsection (1) of this section, $100,000 of the general fund—state appropriation for fiscal year 2016 and $100,000 of the general fund—state appropriation for fiscal year 2017 are provided for the council to process an alternative financial aid application system pursuant to RCW 28B.92.010.

(6)(a) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program. These eligible college bound students whose family incomes are in the 0-65 percent median family income ranges must be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. The council shall provide directions to institutions to maximize the number of college bound scholarship students receiving the maximum state need grant for which they are eligible with a goal of 100 percent coordination. Institutions shall identify all college bound scholarship students to receive state need grant priority. If an institution is unable to identify all college bound scholarship students at the time of initial state aid packaging, the institution should reserve state need grant funding sufficient to cover the projected enrollments of college bound scholarship students.

(b) In calculating the college bound award, public institutions of higher education are subject to the conditions and limitations in RCW 28B.15.102 and shall not utilize college bound funds to offset tuition costs from rate increases in excess of levels authorized in section 603, chapter 50, Laws of 2011.

((~~(6) $21,670,000~~)) (7) $14,670,000 of the education legacy trust account—state appropriation ((~~and $40,000,000~~)), $17,561,000 of the Washington opportunity pathways account—state appropriation for fiscal year 2016, and $10,969,000 of the Washington opportunity pathways account—state appropriation for fiscal year 2017 are provided solely for the college bound scholarship program, implementation of Second Engrossed Substitute Senate Bill No. 5954 (college affordability program), and may support scholarships for summer session.

((~~(7)~~)) (8) $2,236,000 of the general fund—state appropriation for fiscal year 2016 and $2,236,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the passport to college program. The maximum scholarship award is up to $5,000. The board shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of $500,000 in fiscal years 2016 and 2017 for this purpose.

((~~(8)~~)) (9) $20,000,000 of the general fund—state appropriation for fiscal year 2016 and $21,000,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

((~~(9)~~)) (10) $3,825,000 of the general fund—state appropriation for fiscal year 2016 and $3,825,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts and $1,720,000 appropriated from the health professionals loan repayment and scholarship program account must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients.

((~~(10)~~)) (11) $56,000 of the general fund—state appropriation for fiscal year 2016 and $42,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the council to design and implement a program that provides customized information to high-achieving (as determined by local school districts), low-income, high school students. "Low-income" means students who are from low-income families as defined by the education data center in RCW 43.41.400. For the purposes of designing, developing, and implementing the program, the council shall partner with a national entity that offers aptitude tests and shall consult with institutions of higher education with a physical location in Washington. The council shall implement the program no later than fall 2016, giving consideration to spring mailings in order to capture early action decisions offered by institutions of higher education and nonprofit

baccalaureate degree-granting institutions. The information packet for students must include at a minimum:

(a) Materials that help students to choose colleges;

(b) An application guidance booklet;

(c) Application fee waivers, if available, for four-year institutions of higher education and independent nonprofit baccalaureate degree-granting institutions in the state that enable students receiving a packet to apply without paying application fees;

(d) Information on college affordability and financial aid that includes information on the net cost of attendance for each four-year institution of higher education and each nonprofit baccalaureate degree-granting institution, and information on merit and need-based aid from federal, state, and institutional sources; and

(e) A personally addressed cover letter signed by the governor and the president of each four-year institution of higher education and nonprofit baccalaureate degree-granting institution in the state.

(12) $6,000,000 of the opportunity expansion account—state appropriation is provided solely for the opportunity expansion program in RCW 28B.145.060. At the direction of the opportunity scholarship board, the council must distribute the funding provided in this subsection to institutions of higher education to increase the number of baccalaureate degrees produced in high employer demand and other programs of study.

(13) $1,144,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6455 (professional educator workforce). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse. Of the amount provided in this subsection:

(a) $468,000 is for the teacher shortage conditional grant program;

(b) $468,000 is for the student teaching residency grant program; and

(c) $208,000 is for the development and implementation of the teacher shortage conditional grant program and the student teaching residency grant program.

(14) The council shall examine issues related to college bound scholarship students who become income ineligible for the college bound scholarship program but maintain eligibility for the state need grant and shall report to the governor and appropriate committees of the legislature by December 1, 2016, with any recommendations.

Sec. 611. 2015 3rd sp.s. c 4 s 614 (uncodified) is amended to read as follows:

FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund—State Appropriation (FY 2016) . . . . . ((~~$1,646,000~~)) $1,648,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$1,668,000~~)) $1,744,000

General Fund—Federal Appropriation . . . . . ((~~$55,142,000~~)) $55,143,000

General Fund—Private/Local Appropriation $72,000

TOTAL APPROPRIATION . . . . . ((~~$58,528,000~~))

$58,607,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For the 2015-2017 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) The health workforce council of the state workforce training and education coordinating board, in partnership with work underway with the office of the governor, shall, within resources available for such purpose, but not to exceed $250,000, assess workforce shortages across behavioral health disciplines. The board shall create a recommended action plan to address behavioral health workforce shortages and to meet the increased demand for services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve, align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs. The board will submit preliminary recommendations to the governor and appropriate committees of the legislature by October 15, 2016. The board will continue its work and submit final recommendations in 2017.

(3) $75,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the workforce training and education coordinating board to develop a plan for a career and college ready lighthouse program that is representative of the different geographies and industries throughout the state. The plan must provide students the opportunity to: Explore and understand career opportunities through applied learning; engage with industry mentors; and, plan for career and college success. Additionally, the plan must include: Work-integrated and career-related strategies that increase college and career readiness of the students statewide; specify where and how the board will utilize mentor school districts; and identify the needs of districts to provide career and college ready opportunities. The board must convene an advisory committee to provide assistance with the development of the plan. The advisory committee must comprise: Individuals from the public and private sector with expertise in career and technical education and work-integrated training; school counselors; representatives of labor unions; representatives from professional technical organizations; representatives from career and technical colleges; and individuals from business and industry. The board shall submit its plan to the education committees of the legislature by January 1, 2017.

***Sec. 612.** 2015 3rd sp.s. c 4 s 615 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund—State Appropriation (FY 2016). . . . . ((~~$89,572,000~~))
$82,578,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$103,257,000~~))
$103,823,000

General Fund—Federal Appropriation . . . . . ((~~$290,204,000~~)) $299,956,000
Opportunity Pathways Account—State Appropriation. $80,000,000
Education Legacy Trust Account—State Appropriation $28,250,000
Home Visiting Services Account—State Appropriation $4,868,000
Home Visiting Services Account—Federal Appropriation $25,250,000
TOTAL APPROPRIATION . . . . . ((~~$621,401,000~~)) $624,725,000

The appropriations in this section are subject to the following conditions and limitations:

(1) $44,800,000 of the general fund—state appropriation for fiscal year 2016, $44,800,000 of the general fund—state appropriation for fiscal year 2017, $24,250,000 of the education legacy trust account—state appropriation, and $80,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 11,691 slots in fiscal year 2016 and 11,691 slots in fiscal year 2017. Of these amounts, $10,284,000 is a portion of the biennial amount of state maintenance of effort dollars required to receive federal child care and development fund grant dollars.

(2) $200,000 of the general fund—state appropriation for fiscal year 2016 and $200,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(3) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(4) $1,434,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for expenditure into the home visiting services account. This funding is intended to meet federal maintenance of effort requirements and to secure private matching funds. Additional amounts are provided separately in part II of this act. The division of behavioral health and recovery must transfer these amounts into the home visiting services account.

(5)(a) ((~~$153,717,000~~)) $153,244,000 of the general fund—federal appropriation is provided solely for the working connections child care program under RCW 43.215.135.

(b) In addition to groups that were given prioritized access to the working connections child care program effective March 1, 2011, the department shall also give prioritized access into the program to families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center.

(6) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report enrollments and active caseload for the working connections child care

program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(7) $1,194,000 of the general fund—state appropriation for fiscal year 2016, $1,926,000 of the general fund—state appropriation for fiscal year 2017, and $13,424,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(8) $4,674,000 of the general fund—state appropriation for fiscal year 2016((~~, $2,522,000~~)) and $4,674,000 of the general fund—state appropriation for fiscal year 2017 ((~~and $2,152,000 of the general fund federal appropriation~~)) are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. Priority for services shall be given to children referred from the department of social and health services children's administration. Of the amounts appropriated in this subsection, $60,000 per fiscal year may be used by the department for administering the ECLIPSE program, if needed.

(9) $47,000 of the general fund—state appropriation for fiscal year 2016 and $46,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of Engrossed Substitute House Bill No. 1126 (fatality review). ((~~If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse.~~))

(10) ((~~$28,637,000~~)) $23,529,000 of the general fund—state appropriation for fiscal year 2016, ((~~$47,143,000~~)) $41,087,000 of the general fund—state appropriation for fiscal year 2017, and ((~~$26,206,000~~)) $36,006,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1491 (early care and education system). ((~~If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse.~~)) Of the amounts provided in this subsection:

(a) $60,817,000 is for quality rating and improvement system activities, including but not limited to: Level two activities, technical assistance, coaching, rating, and quality improvement awards. The department shall place a 10 percent administrative overhead cap on any contract entered into with the University of Washington.

(b) $10,895,000 is for degree and retention incentives and scholarship and tuition reimbursements.

(c) ((~~$14,192,000~~)) $12,828,000 is for level 2 payments and ((~~tiered reimbursement~~)) tiers 3, 4, and 5 payments for child care licensed family home and center providers. Additional amounts for licensed family home providers are provided separately in fiscal year 2016 as part of a collective bargaining agreement part IX of this act.

(11) $1,808,000 of the general fund—state appropriation for fiscal year 2016 and $1,728,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for reducing barriers for low-income providers to

participate in the early achievers program consistent with Engrossed Second Substitute House Bill No. 1491 (early care and education system). ((~~If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse.~~)) Of the amounts provided in this subsection:

(a) $2,000,000 is for need-based grants. Additional amounts for child care licensed family home providers are provided separately as part of a collective bargaining agreement part IX of this act.

(b) $1,336,000 is for the creation of a substitute pool.

(c) $200,000 is for the development of materials and assessments in provider and family home languages.

(12) $300,000 of the general fund—state appropriation for fiscal year 2016 and $300,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(13) $4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(14) ((~~Information and technology investments and proposed projects for time capture, payroll, payment processes, and eligibility and authorization systems within the department~~)) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department of early learning are subject to technical oversight by the office of the chief information officer. The department must collaborate with the office of the chief information officer to develop a strategic business and technology architecture plan for a child care attendance and billing system that supports a statewide architecture.

(15)(a)(i) The department of early learning is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(ii) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry during the 2015-16 school year. By October 2017, the department must provide updated ECEAP early learning professional data to the education research data center.

(iii) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(iv) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data by November 2015 for the school year ending in 2014 and again in March 2016 for the school year ending in 2015.

(b) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(16) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(17) $3,777,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the supplemental agreement to the 2015-2017 collective bargaining agreement covering family child care providers as set forth in section 905 of this act. Of the amounts provided in this subsection:

(a) $638,000 is for a base rate increase;

(b) $956,000 is for an increase in tiered reimbursement rates for levels three through five;

(c) $1,315,000 is for an increase in quality improvement awards;

(d) $478,000 is provided for training and quality improvement support services to family child care providers provided by the 501(c)(3) organization created for this purpose;

(e) $190,000 is provided for the administration of the family child care training and quality improvement fund and participation in the joint committee on family child care providers training and quality improvement; and

(f) $200,000 is provided for a slot-based pilot.

***Sec. 612 was partially vetoed. See message at end of chapter.**

Sec. 613. 2015 3rd sp.s. c 4 s 616 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund—State Appropriation (FY 2016) . . . . . ((~~$6,409,000~~)) $6,419,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$6,535,000~~)) $6,579,000

General Fund—Private/Local Appropriation $34,000

TOTAL APPROPRIATION . . . . . ((~~$12,978,000~~)) $13,032,000

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the school to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

Sec. 614. 2015 3rd sp.s. c 4 s 617 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund—State Appropriation (FY 2016) . . . . . ((~~$9,953,000~~)) $10,027,000

General Fund—State Appropriation (FY 2017) . . . . . ((~~$10,086,000~~)) $10,264,000

TOTAL APPROPRIATION . . . . . ((~~$20,039,000~~))
$20,291,000

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the center to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

Sec. 615. 2015 3rd sp.s. c 4 s 618 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund—State Appropriation (FY 2016) . . . . . ((~~$1,118,000~~))
$1,143,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$1,148,000~~))
$1,166,000
General Fund—Federal Appropriation $2,100,000
General Fund—Private/Local Appropriation $18,000
TOTAL APPROPRIATION . . . . . ((~~$4,384,000~~))
$4,427,000

Sec. 616. 2015 3rd sp.s. c 4 s 619 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2016) . . . . . ((~~$2,352,000~~))
$2,400,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$2,412,000~~))
$2,477,000
TOTAL APPROPRIATION . . . . . ((~~$4,764,000~~))
$4,877,000

The appropriations in this section are subject to the following conditions and limitations: $150,000 of the general fund—state appropriation for fiscal year 2016 and $150,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the restoration of the Washington women's history consortium created in RCW 27.34.360. These amounts must be used for staff, professional archiving, public programs and exhibits, and information technology investments to enable the society to restore its central database of women's history.

Sec. 617. 2015 3rd sp.s. c 4 s 620 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2016) . . . . . ((~~$1,714,000~~))
$1,789,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$1,808,000~~))
$1,833,000
TOTAL APPROPRIATION . . . . . ((~~$3,522,000~~))
$3,622,000

The appropriations in this section are subject to the following conditions and limitations: The eastern Washington state historical society shall develop a plan for creating a performance-based partnership agreement between the state of Washington and the not-for-profit Northwest museum of arts and culture for implementation in the 2017-2019 fiscal biennium. The plan at minimum shall include strategies to increase nonstate revenues for the operation of the museum and estimate the minimum amount of state funding necessary to preserve, maintain, and protect state-owned facilities and assets. The plan shall be submitted to the office of financial management and the fiscal committees of the legislature by October 1, 2016.

PART VII
SPECIAL APPROPRIATIONS

Sec. 701. 2015 3rd sp.s. c 4 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund—State Appropriation (FY 2016) . . . . . ((~~$1,067,157,000~~))
$1,059,582,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$1,133,037,000~~))
$1,108,296,000
State Building Construction Account—State
Appropriation . . . . . ((~~$6,462,000~~))
$10,011,000
Debt-Limit Reimbursable Bond Retirement Account—State
Appropriation $1,430,000
Columbia River Basin Water Supply Development
Account—State Appropriation $62,000
Columbia River Basin Taxable Bond Water Supply Development
Account—State Appropriation $82,000
State Taxable Building Construction
Account—State Appropriation $846,000
TOTAL APPROPRIATION . . . . . ((~~$2,208,086,000~~))
$2,180,309,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

Sec. 702. 2015 3rd sp.s. c 4 s 704 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund—State Appropriation (FY 2016) $1,400,000
General Fund—State Appropriation (FY 2017) $1,400,000
State Building Construction Account—State
Appropriation . . . . . ((~~$1,301,000~~))
$2,013,000
Columbia River Basin Water Supply Development

Account—State Appropriation . . . . . ((~~$6,000~~)) $16,000
Columbia River Basin Taxable Bond Water Supply Development Account—State Appropriation . . . . . ((~~$11,000~~)) $18,000
State Taxable Building Construction Account—State Appropriation. . . . . ((~~$53,000~~)) $171,000
TOTAL APPROPRIATION . . . . . ((~~$4,171,000~~)) $5,018,000

Sec. 703. 2015 3rd sp.s. c 4 s 705 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—INFORMATION TECHNOLOGY INVESTMENT POOL

General Fund—State Appropriation (FY 2016) . . . . . ((~~$17,000,000~~)) $17,221,000
General Fund—State Appropriation (FY 2017) . . . . . ((~~$8,000,000~~)) $9,513,000
General Fund—Federal Appropriation . . . . . ((~~$60,168,000~~)) $62,395,000
General Fund—Private/Local Appropriation . . . . . ((~~$148,000~~)) $3,305,000
Other Appropriated Funds $807,000
TOTAL APPROPRIATION . . . . . ((~~$86,123,000~~)) $93,241,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for deposit to the information technology investment revolving account, hereby created in the custody of the state treasurer. Only the director of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Funds in the account are provided solely for the information technology projects shown in LEAP omnibus document ((~~IT-2015~~)) IT-2016, dated ((~~June 28, 2015~~)) March 22, 2016, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with projects contained in LEAP omnibus document ((~~IT-2015~~)) IT-2016, dated ((~~June 28, 2015~~)) March 22, 2016, the state treasurer is directed to transfer moneys from other funds and accounts in an amount not to exceed $807,000 to the information technology investment revolving account in accordance with schedules provided by the office of financial management.

(2) Agencies may apply to the office of financial management to receive funds from the information technology investment revolving account.

(a) When selecting projects for allocations from the account, sufficient funding must be reserved within the account to implement the following projects shown in LEAP omnibus document ((~~IT-2015~~)) IT-2016 dated ((~~June 28, 2015~~)) March 22, 2016:

(i) Public Disclosure Commission:

(A) PC Lease Program
(B) Customer Serv/Case Mgmt System
(C) Cloud Based Communication Svcs
(ii) Department of Social and Health Services:
(A) Align Funding with ICD-10 Imp.
(B) ESAR ((~~Phase II and III (C)~~)) M&O
(C) ESAR Architectural Development
(D) Interface with New EBT Vendor
(iii) Health Care Authority:
(A) ProviderOne O&M
(B) ProviderOne Stabilization
(C) ProviderOne Enhancements
(D) ProviderOne Contract Compliance
(E) ProviderOne Phase Two

(b) Funds must also be reserved to complete the ESAR consultation project at the department of social and health services and the IP overtime system at the health care authority and the department of social and health services.

(c) For the remaining projects shown in LEAP omnibus document ((~~IT-2015~~)) IT-2016, preference must be given to projects that utilize a commercial off-the-shelf or software as a service technology solution.

(3) Allocations and allotments may be made only during discrete stages of projects, which at a minimum must include a planning stage, procurement stage, and implementation and integration stage. At least fourteen days prior to an allocation or allotment of funds to an agency, the office of financial management, jointly with the office of the chief information officer, must deliver to the legislative fiscal committees the following information for each project receiving an allocation from the account:

(a) A technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. If the project affects more than one agency, a technology budget must be prepared for each agency;

(b) The technology implementation plan that includes:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;

(ii) The office of the chief information officer staff assigned to the project;

(iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project; and

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product.

(c) A letter from the office of the chief information officer certifying that:

(i) The project is consistent with the state's enterprise architecture and other policies developed by the office of the chief information officer;

(ii) The agency has the organizational capacity, preparedness, and leadership to implement the project successfully;

(iii) The agency has adequately assessed and minimized the risks inherent with the project;

(iv) The project has the management, staffing, and oversight resources needed for the cost, complexity, and risks associated with the project;

(v) The project has implementation schedules and performance measures for timeliness, deliverables, quality, and budget;

(vi) The agency has an adequate risk management plan that also enables the office of the chief information officer to assess, intervene, and take necessary action when performance measures are not being met; and

(vii) For any investment that does not use commercial off-the-shelf or software as a service technology solution, the proposed project represents the best business solution and should not be delayed.

(4) For any project that exceeds two million dollars in total funds to complete or requires more than one biennium to complete:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology; and

(c) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(5) The office of the chief information officer may suspend or terminate a project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures. Once suspension or termination occurs, the agency shall not make additional expenditures on the project without approval of the state chief information officer. If a project is terminated, the office of financial management must terminate the agency's allocation from the information technology investment revolving account and the agency shall return any remaining funds to the account to be reallocated to other projects by the office of financial management.

(6) Any cost to administer or implement this section for projects contained in LEAP omnibus document ((~~IT-2015~~)) IT-2016, dated ((~~June 28, 2015~~)) March 22, 2016, must be paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

Sec. 704. 2015 3rd sp.s. c 4 s 712 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—COUNTY CLERK LEGAL FINANCIAL OBLIGATION GRANTS

General Fund—State Appropriation (FY 2016) $541,000
General Fund—State Appropriation (FY 2017) $441,000
TOTAL APPROPRIATION $982,000

The appropriations in this section are subject to the following conditions and limitations: By October 1st of each fiscal year, the state treasurer shall distribute the appropriations to the following county clerk offices in the amounts designated as grants for the collection of legal financial obligations pursuant to RCW 2.56.190:

County Clerk	FY 16	FY 17
Adams County Clerk	$2,103	$1,714
Asotin County Clerk	$2,935	$2,392
Benton County ((~~and Franklin County~~)) Clerk	$18,231	$14,858
Chelan County Clerk	$7,399	$6,030
Clallam County Clerk	$5,832	$4,753
Clark County Clerk	$32,635	$26,597
Columbia County Clerk	$384	$313
Cowlitz County Clerk	$16,923	$13,792
Douglas County Clerk	$3,032	$2,471
Ferry County Clerk	$422	$344
Franklin County Clerk	$5,486	$4,471
Garfield County Clerk	$243	$198
Grant County Clerk	$10,107	$8,237
Grays Harbor County Clerk	$8,659	$7,057
Island County Clerk	$3,059	$2,493
Jefferson County Clerk	$1,859	$1,515
King County Court Clerk	$119,290	$97,266
Kitsap County Clerk	$22,242	$18,127
Kittitas County Clerk	$3,551	$2,894
Klickitat County Clerk	$2,151	$1,753
Lewis County Clerk	$10,340	$8,427
Lincoln County Clerk	$724	$590
Mason County Clerk	$5,146	$4,194
Okanogan County Clerk	$3,978	$3,242
Pacific County Clerk	$2,411	$1,965
Pend Orielle County Clerk	$611	$498
Pierce County Clerk	$77,102	$62,837
San Juan County Clerk	$605	$493
Skagit County Clerk	$11,059	$9,013
Skamania County Clerk	$1,151	$938
Snohomish County Clerk	$38,143	$31,086
Spokane County Clerk	$44,825	$36,578
Stevens County Clerk	$2,984	$2,432
Thurston County Clerk	$22,204	$18,096
Wahkiakum County Clerk	$400	$326
Walla Walla County Clerk	$4,935	$4,022

Whatcom County Clerk	$20,728	$16,893
Whitman County Clerk	$2,048	$1,669
Yakima County Clerk	$25,063	$20,426
TOTAL APPROPRIATIONS	$541,000	$441,000

Sec. 705. 2015 3rd sp.s. c 4 s 725 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY DROUGHT RESPONSE

General Fund—State Appropriation (FY 2016) . . . . . .((~~$14,000,000~~)) $6,723,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for expenditure into the state drought preparedness account established in RCW 43.83B.430.

(2) The appropriation in this section shall be reduced by any expenditures for this purpose under Substitute Senate Bill No. 6125 (emergency drought response).

NEW SECTION. **Sec. 706.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2016, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

(1) These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

(a) David Wozny, claim number 99970105 . . . . . $9,832
(b) Hugo Garibay, claim number 99970106 . . . . . $10,246
(c) Emery Christianson, claim number 99970107 . . . . . $7,445
(d) Anton Ehinger, claim number 99970108 . . . . . $6,726
(e) Alan Graham, claim number 99970109 . . . . . $5,495
(f) Joseph Compher, claim number 99970110 . . . . . $32,235
(g) Alex Hallowell, claim number 99970111 . . . . . $22,403
(h) James Clark, claim number 99970112 . . . . . $8,250
(i) David Hill, claim number 99970114 . . . . . $3,056
(j) David Maulen, claim number 99970113 . . . . . $19,726
(k) Stephen White, claim number 99970115 . . . . . $25,097
(l) Richard Brunhaver, claim number 99970116 . . . . . $14,079
(m) James Barnett, claim number 99970117 . . . . . $39,608
(n) Justin Carter, claim number 99970118 . . . . . $35,179
(o) Derrick Moore, claim number 99970119 . . . . . $23,474
(p) Joshua Bessey, claim number 99970120 . . . . . $66,600
(q) Jason Swanberg, claim number 99970121 . . . . . $7,905

(r) Max Willis, claim number 99970123 . . . . . $26,205
(s) Jesica Bush, claim number 99970124 . . . . . $22,990
(t) Rolondo Cavazos, claim number 99970125 . . . . . $32,438
(u) Jared Ha, claim number 99970127 . . . . . $45,104

(2) These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for payment of compensation for wrongful convictions pursuant to RCW 4.100.060, as follows:

Michael Wheeler, claim number 99970122. . . . . $466,711

NEW SECTION. **Sec. 707.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOOD CANAL AQUATIC REHABILITATION BOND ACCOUNT

General Fund—State Appropriation (FY 2016) $3,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section, or so much thereof as may be necessary, is provided solely for expenditure into the hood canal aquatic rehabilitation bond account to ensure the account is not in deficit.

NEW SECTION. **Sec. 708.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—SPECIAL PERSONNEL LITIGATION REVOLVING ACCOUNT

Aeronautics Account—State. $3,000
The Charitable, Educational, Penal and
Reformatory Institutions Account—State $2,000
State Building Construction Account—State $226,000
EWU Capital Projects Account—State $2,000
WSU Building Account—State $123,000
CWU Capital Projects Account—State $11,000
WWU Capital Projects Account—State $11,000
TESC Capital Projects Account—State $8,000
State Patrol Highway Account—State $126,000
Motorcycle Safety Education Account—State $1,000
Puget Sound Capital Construction Account—State $30,000
High-Occupancy Toll Lanes Operations Account—State $1,000
Transportation Partnership Account—State $136,000
State Wildlife Account—State $1,000
Highway Safety Account—State $175,000
Motor Vehicle Account—State. $1,074,000
Puget Sound Ferry Operations Account—State $375,000
Columbia River Basin Water Supply Develop Account—State. $1,000
Site Closure Account—State $1,000
Cleanup Settlement Account—State. $1,000
State Route Number 520 Corridor Account—State $19,000
State Toxics Control Account—State $120,000
Local Toxics Control Account—State $7,000
Environmental Legacy Stewardship Account—State. $4,000
Special Category C Account—State. $2,000

Multimodal Transportation Account—State. $26,000
Education Construction Account—State $59,000
Recreation Resources Account—State $28,000
NOVA Program Account—State $26,000
Thurston County Capital Facilities Account—State. $1,000
Tacoma Narrows Toll Bridge Account—State $5,000
Transportation 2003 Account (Nickel Account)—State. $89,000
Water Pollution Control Revolving Account—State $3,000
Nonappropriated or Nonbudgeted Funds $3,971,000
TOTAL FUNDS. $6,668,000

The funds provided in this section are subject to the following conditions and limitations:

(1) The funds provided in this section are provided solely for expenditure into the special personnel litigation revolving account for the purpose of paying the settlement in the four related *Moore v. Health Care Authority* lawsuits. Appropriations are also made to individual agencies in this act for settlement of the Moore lawsuits. To facilitate payment, the office of financial management shall invoice agencies based on their liability. Agencies must make payments as directed by the office of financial management.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer and agencies or institutions responsible for funds outside of the treasury shall transfer or expend sufficient moneys from dedicated funds or accounts to the special personnel litigation revolving account in accordance with LEAP document GZA2-2016, dated March 7, 2016.

NEW SECTION. **Sec. 709.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—PUBLIC EMPLOYEE INSURANCE BENEFITS LITIGATION SETTLEMENT

Special Personnel Litigation Revolving Account—State
Appropriation. $80,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for the purposes of settling all claims in the litigation involving public employee insurance benefits eligibility, as set forth in the General Principles of Settlement. The litigation is composed of four cases, all captioned *Moore, et. al. v. Health Care Authority* and the State of Washington, of which one case is pending in Thurston county superior court and three cases are pending in King county superior court. The expenditure of this appropriation is contingent on a settlement agreement fully executed by June 30, 2016, and approval by the appropriate court with the related orders entered into by the court by June 30, 2016. In the event that these contingencies are not met, the amounts provided in this section shall lapse.

Sec. 710. 2015 3rd sp.s. c 4 s 722 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—LOCAL GOVERNMENT MARIJUANA ENFORCEMENT

General Fund—State Appropriation (FY 2016) $6,000,000
General Fund—State Appropriation (FY 2017) $6,000,000

TOTAL APPROPRIATION $12,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for distribution to local governments pursuant to section 1603 of Second Engrossed Second Substitute House Bill No. 2136 (marijuana revenue). ((~~If the bill is not enacted by July 10, 2015, the amounts provided in this section shall lapse.~~)) The amendments in this section are curative, clarifying, and remedial and apply retroactively to July 1, 2015.

NEW SECTION. **Sec. 711. LEAN MANAGEMENT STRATEGIES AND EFFICIENCY SAVINGS**

2015 3rd sp.s. c 4 s 715 (uncodified) is repealed.

NEW SECTION. **Sec. 712.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—BEHAVIORAL HEALTH INNOVATION ACCOUNT

General Fund—State Appropriation (FY 2017) $6,777,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the governor's behavioral health innovation fund pursuant to Engrossed Second Substitute House Bill No. 2453 (state hospital oversight) or Substitute Senate Bill No. 6656 (state hospital practices). If neither bill is enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

PART VIII
OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 2015 3rd sp.s. c 4 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions. $9,286,000

General Fund Appropriation for public utility district excise tax distributions . . . . . ((~~$56,598,000~~)) $57,861,000

General Fund Appropriation for prosecuting attorney distributions . . . . . ((~~$6,345,000~~)) $6,375,000

General Fund Appropriation for boating safety and education distributions $4,000,000

General Fund Appropriation for other tax distributions . . . . . ((~~$80,000~~)) $86,000

General Fund Appropriation for habitat conservation program distributions . . . . . ((~~$3,608,000~~)) $3,848,000

Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies $3,135,000

Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution $140,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties . . . . . ((~~$95,716,000~~)) $76,600,000
County Criminal Justice Assistance Appropriation
When making the fiscal year 2016 and 2017 distributions to Grant county, the state treasurer shall reduce the amount by $140,000 each year and distribute the remainder to the county. This is the second and third of three reductions that have been made to reimburse the state for a nonqualifying extraordinary criminal justice act payment made to Grant county in fiscal year 2013 . . . . . ((~~$86,648,000~~)) $86,178,000
Municipal Criminal Justice Assistance Appropriation. . . . . ((~~$33,601,000~~)) $33,493,000
City-County Assistance Account Appropriation for local government financial assistance distribution. . . . . ((~~$23,630,000~~)) $24,899,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution . . . . . ((~~$50,125,000~~)) $50,680,000
Streamlined Sales and Use Tax Mitigation Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes. . . . . ((~~$47,558,000~~)) $46,762,000
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation . . . . . ((~~$7,911,000~~)) $7,907,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians . . . . . ((~~$5,165,000~~)) $5,167,000
Liquor Revolving Account Appropriation for liquor profits distribution $98,876,000
TOTAL APPROPRIATION . . . . . ((~~$711,160,000~~)) $515,293,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2015 3rd sp.s. c 4 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driver Safety Account Appropriation . . . . . .((~~$2,156,000~~)) $2,144,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2015-2017 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); chapter 215, Laws of 1998 (DUI provisions); and chapter . . . (SSB 5105), Laws of 2015 (DUI penalties).

Sec. 803. 2015 3rd sp.s. c 4 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driver Safety Account Appropriation . . . . . .((~~$1,437,000~~)) $1,429,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2015-2017 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); chapter 215, Laws of 1998 (DUI provisions); and chapter . . . (SSB 5105), Laws of 2015 (DUI penalties).

Sec. 804. 2015 3rd sp.s. c 4 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

State Treasurer's Service Account: For transfer to the state general fund, $10,000,000 for fiscal year 2016 and $10,000,000 for fiscal year 2017 . . . . . $20,000,000

General Fund: For transfer to the streamlined sales and use tax account, ((~~$23,864,000~~)) $23,398,000

for fiscal year 2016 and ((~~$23,694,000~~)) $23,364,000
for fiscal year 2017 ..... ((~~$47,558,000~~))
$46,762,000

Dedicated Marijuana Account: For transfer to the state general fund in an amount not to exceed the amount determined pursuant to RCW 69.50.540, ((~~$27,246,000~~)) $70,000,000 for fiscal year 2016 ((~~and $76,538,000 for fiscal year 2017~~ ..... ~~$103,784,000~~))
$70,000,000

Dedicated Marijuana Account: For transfer to the state general fund in an amount not to exceed the amount determined pursuant to RCW 69.50.540, $100,000,000 for fiscal year 2017 ..... $100,000,000

Dedicated Marijuana Fund Account for distribution to the basic health plan trust account in an amount not to exceed the amount determined pursuant to RCW 69.50.540 plus $14,000,000, ((~~$53,507,000~~)) $125,000,000 for fiscal year 2016 ((~~and $125,201,000 for fiscal year 2017~~ ..... ~~$178,708,000~~))
$125,000,000

Dedicated Marijuana Account: For transfer to the basic health plan trust account in an amount not to exceed the amount determined pursuant to RCW 69.50.540, $150,000,000 for fiscal year 2017 ..... $150,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2016 ..... ((~~$180,000,000~~))
$90,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the 2017 annual base payment to the tobacco settlement account $90,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the annual strategic contribution payment to the tobacco settlement account for fiscal year 2016 ..... $26,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the annual strategic contribution payment to the tobacco settlement account for fiscal year 2017 ..... $25,400,000

Life Sciences Discovery Fund: For transfer to the state general fund for fiscal year 2016. ..... $11,000,000

Energy Freedom Account: For transfer to the state general fund for fiscal year 2016, an amount not to exceed the actual ending cash balance of the fund $3,300,000

((~~Aquatic Lands Enhancement Account: For transfer to the marine resources stewardship trust account, $125,000 for fiscal year 2016~~ $125,000))

State Toxics Control Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2) chapter 2, Laws of 2012, 2nd sp. sess. (ESB 6074 2012 supplemental capital budget), $643,000 for fiscal year 2016 and $643,000 for fiscal year 2017 $1,286,000

Aquatic Lands Enhancement Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2) chapter 2, Laws of 2012, 2nd sp. sess. (ESB 6074 2012 supplemental capital budget), $643,000 for fiscal year 2016 and $643,000 for fiscal year 2017 $1,286,000

Home Security Fund Account: For transfer to the transitional housing operating and rent account, $7,500,000 for fiscal year 2016 $7,500,000

Public Works Assistance Account: For transfer to the state general fund, $36,500,000 for fiscal year 2016 and ((~~$36,500,000~~)) $52,500,000 for fiscal year 2017 ((~~$73,000,000~~)) $89,000,000

Criminal Justice Treatment Account: For transfer to the state general fund $5,652,000 for fiscal year 2016 and $5,651,000 for fiscal year 2017 $11,303,000

Liquor Revolving Account: For transfer to the state general fund, $3,000,000 for fiscal year 2016 and $3,000,000 for fiscal year 2017 $6,000,000

Flood Control Assistance Account: For transfer to the state general fund, ((~~$1,000,000~~)) $1,350,000 for fiscal year 2016 and $1,000,000 for fiscal year 2017 ((~~$2,000,000~~)) $2,350,000

Law Enforcement Officers' and Firefighters' Plan 2 Retirement Fund: For transfer to the local law enforcement officers' and firefighters' retirement system benefits improvement account for fiscal year 2016 $15,779,000

Aerospace Training Student Loan Account: For transfer to the state general fund, $1,000,000 for FY 2016 and $1,000,000 for FY 2017 $2,000,000

Water Rights Processing Account: For transfer to the state drought preparedness account, $332,000 for fiscal year 2016 $332,000

Death Investigations Account: For transfer to the sexual assault kit account,

$1,732,000 for fiscal year 2017 ..... $1,732,000
Fingerprint Identification Account: For
transfer to the sexual assault kit account,
$1,179,000 for fiscal year 2017 ..... $1,179,000
Charitable, Educational, Penal, and Reformatory
Institutions Account: For transfer to the state
general fund, $1,000,000 for fiscal year 2016 ..... $1,000,000
Marine Resources Stewardship Trust Account: For
transfer to the aquatic lands enhancement account,
$975,000 for fiscal year 2016 ..... $975,000
Vessel Response Account: For transfer to the
environmental legacy stewardship account,
$250,000 for fiscal year 2016 ..... $250,000
Savings Incentive Account: For transfer to the state
general fund for fiscal year 2016, an amount attributable
to unspent agency credits excluding those
associated with legislative and judicial agencies. $1,071,000
Employment Services Administrative Account: For transfer
to the state general fund, $750,000 for fiscal year 2016
and $2,250,000 for fiscal year 2017 ..... $3,000,000
Washington Housing Trust Account: For transfer
to the home security fund account $7,000,000
Washington Housing Trust Account: For transfer to
the state general fund for fiscal year 2017. ..... $3,000,000
Employment Services Administrative Account: For
transfer to the administrative contingency
fund account for fiscal year 2017 ..... $8,500,000
OFM Labor Relations Service Account: For transfer
to the state general fund for fiscal year 2017. ..... $1,000,000
Personnel Service Fund: For transfer to the state
general fund for fiscal year 2017 ..... $500,000
Washington Real Estate Research Account: For
transfer to the state general fund for
fiscal year 2017 ..... $500,000
Professional Engineers' Account: For transfer
to the state general fund for fiscal year 2017. ..... $500,000
Real Estate Commission Account: For transfer
to the state general fund for fiscal year 2017. ..... $500,000

It is the intent of the legislature to continue to transfer the excess balance from the criminal justice treatment account to the state general fund in the 2017-2019 fiscal biennium, consistent with policy in this omnibus appropriations act and in an amount not to exceed the projected fund balance.

It is the intent of the legislature to continue to transfer the excess balance from the state treasurer's service account to the state general fund in the 2017-2019 fiscal biennium, consistent with policy in this omnibus appropriations act and in an amount not to exceed the projected fund balance.

Sec. 805. 2015 3rd sp.s. c 4 s 806 (uncodified) is amended to read as follows:

FOR THE GAMBLING COMMISSION
State Lottery Account: For transfer to gambling revolving account $1,000,000

The transfer in this section is subject to the following conditions and limitations:

(1) ((~~The commission shall maintain working capital reserves in the gambling revolving account of no more than five percent of projected expenses in the account~~)) This funding is provided solely for the costs of enforcement of gambling activities, including but not limited to evaluation, analysis, and dissemination of information on individuals and groups who are suspected of being involved in illegal gambling and other associated crimes.

(2) The commission shall not approve any electronic raffle systems to conduct fifty-fifty raffles until the legislature has reviewed all impacts to the state lottery.

(3) The commission is directed to review and reconsider, including repeal, rules adopted to authorize the amusement games classified as group 12 under WAC 230-13-067, recognizing the impact such games may have on state lottery revenues used to support public education programs.

PART IX
MISCELLANEOUS

***NEW SECTION.** Sec. 901. A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:*

COLLECTIVE BARGAINING AGREEMENT—COALITION OF UNIONS

(1) Modifications to the collective bargaining agreement for the 2015-2017 fiscal biennium, as set forth in a memorandum of understanding, have been reached between the governor and the union of physicians of Washington, amending the coalition of unions collective bargaining agreement under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. The memorandum of understanding was necessitated by an emergency and an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees. Funding is provided for assignment pay, additional compensation for extra hours worked, and continuing medical education for physicians and psychiatrists. The legislature rejects the memorandum of understanding as a whole.

(2) If a new memorandum of understanding or agreement that meets the conditions and limitations in section 204(2)(o) of this act is reached between the governor and the union of physicians of Washington by June 30, 2016, funding for the memorandum of understanding or agreement shall be considered approved pursuant to RCW 41.80.010, and the parties may execute the memorandum of understanding or agreement retroactive to December 1, 2015. The legislature recognizes that the new memorandum of understanding is necessitated by an emergency and an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees.

(3) This section should not be implemented to allow psychiatric nurse practitioners to engage in activities or perform works and tasks that exceed their scope of practice.

Sec. 901 was vetoed. See message at end of chapter.

NEW SECTION. **Sec. 902.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:

COLLECTIVE BARGAINING AGREEMENT—SEIU 1199NW

Modifications to the collective bargaining agreement for the 2015-2017 fiscal biennium, as set forth in memoranda of understanding have been reached between the governor and the service employees international union healthcare 1199nw amending the collective bargaining agreement under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. The memoranda of understanding was necessitated by an emergency and an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees. Funding is provided for a new weekend schedule premium and a recruitment and retention incentive program for nurse classifications.

NEW SECTION. **Sec. 903.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:

UNILATERAL IMPLEMENTATION DUE TO PENDING REPRESENTATION PETITION

Modifications to the collective bargaining agreement between the governor and the Washington federation of state employees general government for 2015-2017 are necessitated by an emergency and an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees. Due to pending representation petitions filed with the public employment relations commission, the governor may not bargain with the Washington federation of state employees, the united professional social workers, nor the union of Washington state psychologists for the classifications affected by modifications. Therefore, the state unilaterally implemented modifications to a collective bargaining agreement under the provisions of chapter 41.80 RCW and RCW 41.80.010(9) for the 2015-2017 fiscal biennium, necessitated by the emergency and imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees.

The governor notified the Washington federation of state employees, the union of Washington state psychologists, and the united professional social workers that, due to business necessity, the state has unilaterally implemented modifications to a collective bargaining agreement under the provisions of chapter 41.80 RCW and RCW 41.80.010(9) for the 2015-2017 fiscal biennium, necessitated by the emergency and imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees. Funding is provided for assignment pay for specific medical classes.

NEW SECTION. **Sec. 904.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:

COLLECTIVE BARGAINING AGREEMENT—TEAMSTERS LOCAL 117

Modifications to the collective bargaining agreement for the 2015-2017 fiscal biennium, as set forth in a memoranda of understanding, have been reached between the governor and the teamsters union local 117 amending the

collective bargaining agreement under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. The memoranda of understanding was necessitated by an emergency and an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees. Funding is provided for salary adjustments for the state employee job classifications of psychiatrist, psychiatric social worker, and psychologist.

NEW SECTION. **Sec. 905.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:

SUPPLEMENTAL COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—SEIU LOCAL 925 CHILDCARE WORKERS

(1) An agreement was reached between the governor and the service employees international union local 925 through an interest arbitration decision and under the provisions of chapter 41.56 RCW for the 2015-2017 fiscal biennium. In the 2015 3rd sp.s., the legislature approved the request for funds necessary to implement the compensation and benefit provisions of the agreement. The agreement included two reopener provisions that required the state and union to enter into bargaining to bargain over quality improvement awards and tiered reimbursement subsidy rates for fiscal year 2017 based on the results of the pilot program.

(2) Pursuant to the reopener provisions, a supplemental agreement has been reached for fiscal year 2017 between the governor and the service employees international union local 925 under the provisions of chapter 41.56 RCW. Funding is provided for a variable base rate increase relative to the 2015 market rate survey, an increase to the tiered reimbursement rates at levels three through five, an increase in the quality improvement awards, a new training and quality improvement committee and fund, and a slot based pilot project.

NEW SECTION. **Sec. 906.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:

TARGETED COMPENSATION INCREASES

Funding is provided within agency appropriations for fiscal year 2017 for salary adjustments for targeted classified state employee job classifications, except those represented by a collective bargaining unit under chapter 41.80 RCW. The targeted job classifications are related to the job classifications targeted in the modifications to the collective bargaining agreement for 2015-2017, as described in sections 901 through 904 of this act. The job classifications include physicians, psychiatrists, psychologists, psychiatric social workers, and registered nurses.

NEW SECTION. **Sec. 907.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:

COMPENSATION—INSURANCE BENEFITS

Funding rates for employee insurance benefits were established in the 2015-2017 omnibus appropriations act for represented and nonrepresented employees. The funding rates adopted in that act assume the maintenance of reserves for the public employee benefits program. A reserve rate of seven percent for the premium stabilization account has been established by the legislature, which has

been determined to be sufficient under RCW 41.05.140 for the 2015-2017 fiscal biennium.

Sec. 908. 2015 3rd sp.s. c 4 s 932 (uncodified) is amended to read as follows:

COMPENSATION—REPRESENTED EMPLOYEES—SUPER COALITION—INSURANCE BENEFITS

An agreement has been reached for the 2015-2017 fiscal biennium between the governor and the health care super coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2015-2017 collective bargaining agreement and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan shall not exceed $840 per eligible employee for fiscal year 2016. For fiscal year 2017, the monthly employer funding rate shall not exceed ((~~$894~~)) $888 per eligible employee.

(b) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2016 and 2017, the subsidy shall be up to $150.00 per month.

(3) All savings resulting from reduced claim costs or other factors identified after June 1, 2015, must be reserved for funding employee health benefits in the 2017-2019 fiscal biennium.

Sec. 909. 2015 3rd sp.s. c 4 s 933 (uncodified) is amended to read as follows:

COMPENSATION—REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION—INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan shall not exceed $840 per eligible employee for fiscal year 2016. For fiscal year 2017, the monthly employer funding rate shall not exceed ((~~$894~~)) $888 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2016 and 2017, the subsidy shall be up to $150.00 per month.

(3) All savings resulting from reduced claim costs or other factors identified after June 1, 2015, must be reserved for funding employee health benefits in the 2017-2019 fiscal biennium.

Sec. 910. 2015 3rd sp.s. c 4 s 938 (uncodified) is amended to read as follows:

COMPENSATION—NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed $840 per eligible employee for fiscal year 2016. For fiscal year 2017, the monthly employer funding rate shall not exceed ((~~$894~~)) $888 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2016 and 2017, the subsidy shall be up to $150 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, $65.25 per month beginning September 1, 2015, and ((~~$70.45~~)) $64.39 beginning September 1, 2016; and

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, $65.25 each month beginning September 1, 2015, and ((~~$70.45~~)) $64.39 beginning September 1, 2016, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection (3) shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(4) All savings resulting from reduced claim costs or other factors identified after June 1, 2015, must be reserved for funding employee health benefits in the 2017-2019 fiscal biennium.

Sec. 911. 2015 3rd sp.s. c 4 s 944 (uncodified) is amended to read as follows:

IT PROJECT OVERSIGHT AND BUDGETING TASK FORCE

(1) The IT project oversight and budgeting task force is created. It is comprised of the chairs and ranking minority members, or their designees, of the house of representatives appropriations committee and the senate ways and means committee, and one member each from the two largest caucuses of the

senate and the two largest caucuses of the house of representatives. The director of financial management and the state chief information officer, or their designees, are members of the task force. The task force is chaired jointly by the chair of the house of representatives appropriations committee and the chair of the senate ways and means committee. The task force is staffed by the house of representatives office of program research and senate committee services. The task force shall coordinate its activities with the technology services board created in RCW 43.41A.070 and use board members, their experience and expertise as a resource in task force activities.

(2) The task force will review the current IT project development, project oversight, and budgeting processes in Washington state, as well as processes used in other states and large private sector organizations. The task force will review options to increase enterprise wide IT solutions, improve project development and oversight processes in Washington, and to better integrate these processes with the budget process. The committee will also review budgeting for IT projects and make recommendations regarding how budgeting for IT spending in Washington might be more efficient. In its review, the task force should consider options such as a separate IT budget as a subset of the operating budget or a more long-term planning process like the 10- year capital budget project planning process.

(3) The task force will report on any findings and recommendations it develops by December 2015 to the house of representatives appropriations committee, the house of representatives general government and information technology committee, the senate ways and means committee, the senate government operating and security committee, and the governor.

(4) This section expires on December 31, ((~~2015~~)) 2016.

Sec. 912. RCW 18.20.430 and 2012 c 10 s 32 are each amended to read as follows:

The assisted living facility temporary management account is created in the custody of the state treasurer. All receipts from civil penalties imposed under this chapter must be deposited into the account. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account may be used only for the protection of the health, safety, welfare, or property of residents of assisted living facilities found to be deficient. Uses of the account include, but are not limited to:

(1) Payment for the costs of relocation of residents to other facilities;

(2) Payment to maintain operation of an assisted living facility pending correction of deficiencies or closure, including payment of costs associated with temporary management authorized under this chapter; and

(3) Reimbursement of residents for personal funds or property lost or stolen when the resident's personal funds or property cannot be recovered from the assisted living facility or third-party insurer.

During the 2015-2017 fiscal biennium, the account may be expended for funding the costs associated with the assisted living program.

Sec. 913. RCW 18.43.150 and 2013 2nd sp.s. c 4 s 954 are each amended to read as follows:

All fees collected under the provisions of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100, and 18.43.130 and fines collected under RCW 18.43.110 shall be paid into the professional engineers' account, which account is hereby established in the state treasury to be used to carry out the purposes and provisions of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100, 18.43.110, 18.43.120, 18.43.130, and all other duties required for operation and enforcement of this chapter. During the 2013-2015 and 2015-2017 fiscal biennium, the legislature may transfer moneys from the professional engineers' account to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 914. RCW 18.85.061 and 2013 2nd sp.s. c 4 s 955 are each amended to read as follows:

All fees required under this chapter shall be set by the director in accordance with RCW 43.24.086 and shall be paid to the state treasurer. All fees paid under the provisions of this chapter shall be placed in the real estate commission account in the state treasury. All money derived from fines imposed under this chapter shall be deposited in the real estate education program account created in RCW 18.85.321. During the 2013-2015 and 2015-2017 fiscal biennium, the legislature may transfer to the state general fund such amounts as reflect the excess fund balance in the real estate commission account.

Sec. 915. RCW 18.85.461 and 2015 c 175 s 2 are each amended to read as follows:

(1) The Washington real estate research account is created in the state treasury. All receipts from the fee under RCW 18.85.451 shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 18.85.471.

(2) During the 2015-2017 fiscal biennium, the legislature may transfer moneys from the real estate research account to the state general fund such amounts as reflect the excess fund balance of the account.

(3) This section expires September 30, 2025.

Sec. 916. RCW 19.02.210 and 2013 c 144 s 27 are each amended to read as follows:

The business license account is created in the state treasury. Unless otherwise indicated in RCW 19.02.075, all receipts from handling and business license delinquency fees must be deposited into the account. Moneys in the account may be spent only after appropriation beginning in fiscal year 1993. Expenditures from the account may be used only to administer the business licensing service program. During the 2015-2017 fiscal biennium, moneys from the business license account may be used for operations of the department of revenue.

Sec. 917. RCW 28B.122.050 and 2012 c 50 s 7 are each amended to read as follows:

(1) The aerospace training student loan account is created in the custody of the state treasurer. No appropriation is required for expenditures of funds from the account for student loans. An appropriation is required for expenditures of funds from the account for costs associated with program administration by the

office. The account is not subject to allotment procedures under chapter 43.88 RCW.

(2) The office shall deposit into the account all moneys received for the program. The account shall be self-sustaining and consist of moneys received for the program by the office, and receipts from participant repayments, including principal and interest.

(3) Expenditures from the account may be used solely for student loans to participants in the program established by this chapter and costs associated with program administration by the office.

(4) Disbursements from the account may be made only on the authorization of the office.

(5) During the 2015-2017 fiscal biennium, the legislature may transfer from the aerospace training student loan account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 918. RCW 38.52.105 and 2010 2nd sp.s. c 1 s 901 are each amended to read as follows:

The disaster response account is created in the state treasury. Moneys may be placed in the account from legislative appropriations and transfers, federal appropriations, or any other lawful source. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for support of state agency and local government disaster response and recovery efforts and to reimburse the workers' compensation funds and self-insured employers under RCW 51.16.220. During the 2009-2011 fiscal biennium, the legislature may transfer from the disaster response account to the state drought preparedness account such amounts as reflect the excess fund balance of the account to support expenditures related to a state drought declaration. During the 2009-2011 fiscal biennium, the legislature may transfer from the disaster response account to the state general fund such amounts as reflect the excess fund balance of the account. During the 2015-2017 fiscal biennium, expenditures from the disaster response account may be used for military department operations and to support wildland fire suppression preparedness, prevention, and restoration activities by state agencies and local governments. The legislature intends to transfer in the 2017-2019 fiscal biennium from the disaster response account to the state general fund amounts as reflect the excess fund balance of the disaster response account from federal grants and other revenues directed into the account.

Sec. 919. RCW 41.06.280 and 2013 2nd sp.s. c 4 s 968 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the "personnel service fund," to be used by the office of financial management as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount

shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the office of financial management with funds to meet its anticipated expenditures during the allotment period, including the training requirements in RCW 41.06.500 and 41.06.530. All revenues, net of expenditures, previously derived from services provided by the department of enterprise services under RCW 41.06.080 must be transferred to the enterprise services account.

The director shall fix the terms and charges for services rendered by the office of financial management pursuant to RCW 41.06.080, which amounts shall be credited to the personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a monthly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a monthly basis to the state treasurer and deposited in the personnel service fund.

Moneys from the personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the office of financial management.

During the 2013-2015 and 2015-2017 fiscal biennium, the legislature may transfer from the personnel service fund to the state general fund such amounts as reflect the excess fund balance of the account.

***Sec. 920. RCW 41.16.050 and 2007 c 218 s 22 are each amended to read as follows:**

***(1) There is hereby created and established in the treasury of each municipality a fund which shall be known and designated as the firefighters' pension fund, which shall consist of: (((1))) (a) All bequests, fees, gifts, emoluments, or donations given or paid thereto; (((2))) (b) twenty-five percent of all moneys received by the state from taxes on fire insurance premiums; (((3))) (c) taxes paid pursuant to the provisions of RCW 41.16.060; (((4))) (d) interest on the investments of the fund; and (((5))) (e) contributions by firefighters as provided ((for herein)) in this section. Except as provided in subsection (2) of this section, the moneys received from the tax on fire insurance premiums under the provisions of this chapter shall be distributed in the proportion that the number of paid firefighters in the city, town, or fire protection district bears to the total number of paid firefighters throughout the state to be ascertained in the following manner: The secretary of the firefighters' pension board of each city, town, and fire protection district now or hereafter coming under the provisions of this chapter shall within thirty days after June 7, 1961, and on or before the fifteenth day of January thereafter, certify to the state treasurer the number of paid firefighters in the fire department in such city, town, or fire protection district. For any city or town annexed by a fire protection district at any time before, on, or after June 9, 1994, the city or town shall continue to certify to the state treasurer the number of paid firefighters in the city or town fire department immediately before annexation until all obligations against the firefighters' pension fund in the city or town have been satisfied. For the purposes of the calculation in this section, the state treasurer shall subtract the number certified by the annexed city or town from the number of paid firefighters certified by an annexing fire protection district. The state treasurer shall on or before the first day of June of each year deliver to the treasurer of each city, town, and fire*

protection district coming under the provisions of this chapter his or her warrant, payable to each city, town, or fire protection district for the amount due such city, town or fire protection district ascertained as herein provided and the treasurer of each such city, town, or fire protection district shall place the amount thereof to the credit of the firefighters' pension fund of such city, town, or fire protection district.

(2)(a) For fiscal year 2017, twenty-five percent of all moneys received by the state from taxes on fire insurance premiums shall be distributed to eligible cities, towns, and fire protection districts in the amount of two thousand dollars for each firefighter eligible to receive benefits from the fund or the amount of funds distributed to that city or town during fiscal year 2016, whichever is less.

(b) To be eligible for a distribution, a city or town must demonstrate that the tax levy under RCW 41.16.060 is being levied at the rate of twenty-two and one-half cents per thousand dollars of assessed value and that the total proceeds from this levy cannot meet the estimated demands on the fund or maintain the actuarial soundness of the fund. If any portion of the tax levy under RCW 41.16.060 has been reduced, in whole or in part, or if the levy is being used for any other municipal purpose, the city or town is not eligible for a distribution under (a) of this subsection.

(c) The secretary of the firefighters' pension board of each city, town, and fire protection district under the provisions of this chapter on the effective date of this section shall by the thirtieth day of each January certify to the state treasurer the number of firefighters eligible to receive benefits from its fund in the preceding calendar year, the total amount of benefits paid from the fund, the moneys deposited into the fund to maintain its actuarial soundness, and the total amount of moneys collected from the tax levy under RCW 41.16.060 the preceding calendar year. To assist the state treasurer, the department of revenue must audit the tax levy information provided by the city or town by the first business day of May.

(d) If the state treasurer determines a distribution is due, the state treasurer shall by the first business day of June of each year deliver to the treasurer of each city, town, and fire protection district a warrant payable to each city, town, or fire protection district for the amount due under this section and the treasurer of each city, town, or fire protection district shall deposit the warrant into the firefighters' pension fund of such city, town, or fire protection district. If any amount remains after distributions to cities, towns, and fire protection districts, the excess amount shall be deposited into the disaster response account in RCW 38.52.105.

(e) It is the intent of the legislature to continue the policy under this subsection during the 2017-2019 fiscal biennium as it investigates whether this distribution should continue or be modified or terminated.

**Sec. 920 was vetoed. See message at end of chapter.*

**Sec. 921. RCW 41.26.802 and 2015 3rd sp.s. c 4 s 950 are each amended to read as follows:*

(1) By September 30, 2011, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer five million dollars to the local public safety enhancement account.

(2) By September 30, 2017, and by September 30 of each odd-numbered year thereafter, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer the lesser of one-third of the increase, or fifty million dollars, to the local public safety enhancement account.

(3) It is the intent of the legislature to fund the portion of the distribution in 2017 dedicated to the local law enforcement officers' and firefighters' retirement system benefits improvement account through alternate means, which may include transfers from the law enforcement officers' and firefighters' plan 2 retirement fund.

****Sec. 921 was vetoed. See message at end of chapter.***

Sec. 922. RCW 41.45.035 and 2012 1st sp.s. c 7 s 7 are each amended to read as follows:

(1) Beginning July 1, 2001, the following long-term economic assumptions shall be used by the state actuary for the purposes of RCW 41.45.030:

(a) The growth in inflation assumption shall be 3.5 percent;

(b) The growth in salaries assumption, exclusive of merit or longevity increases, shall be 4.5 percent;

(c) The investment rate of return assumption shall be 8 percent; ((~~and~~))

(d) The growth in system membership assumption shall be 1.25 percent for the public employees' retirement system, the public safety employees' retirement system, the school employees' retirement system, and the law enforcement officers' and firefighters' retirement system. The assumption shall be .90 percent for the teachers' retirement system; and

(e) From July 1, 2016, until July 1, 2017, the growth in system membership for the teachers' retirement system shall be 1.25 percent. It is the intent of the legislature to continue this growth rate assumption in the 2017-2019 fiscal biennium.

(2) Beginning July 1, 2009, the growth in salaries assumption for the public employees' retirement system, the public safety employees' retirement system, the teachers' retirement system, the school employees' retirement system, plan 1 of the law enforcement officers' and firefighters' retirement system, and the Washington state patrol retirement system, exclusive of merit or longevity increases, shall be the sum of:

(a) The growth in inflation assumption in subsection (1)(a) of this section; and

(b) The productivity growth assumption of 0.5 percent.

(3) The following investment rate of return assumptions for the public employees' retirement system, the public safety employees' retirement system, the teachers' retirement system, the school employees' retirement system, plan 1 of the law enforcement officers' and firefighters' retirement system, and the Washington state patrol retirement system, shall be used by the state actuary for the purposes of RCW 41.45.030:

(a) Beginning July 1, 2013, the investment rate of return assumption shall be 7.9 percent.

(b) Beginning July 1, 2015, the investment rate of return assumption shall be 7.8 percent.

(c) Beginning July 1, 2017, the investment rate of return assumption shall be 7.7 percent.

(d) For valuation purposes, the state actuary shall only use the assumptions in (a) through (c) of this subsection after the effective date in (a) through (c) of this subsection.

(e) By June 1, 2017, the state actuary shall submit to the council information regarding the experience and financial condition of each state retirement system, and make recommendations regarding the long-term investment rate of return assumptions set forth in this subsection. The council shall review this and such other information as it may require.

(4)(a) Beginning with actuarial studies done after July 1, 2003, changes to plan asset values that vary from the long-term investment rate of return assumption shall be recognized in the actuarial value of assets over a period that varies up to eight years depending on the magnitude of the deviation of each year's investment rate of return relative to the long-term rate of return assumption. Beginning with actuarial studies performed after July 1, 2004, the actuarial value of assets shall not be greater than one hundred thirty percent of the market value of assets as of the valuation date or less than seventy percent of the market value of assets as of the valuation date. Beginning April 1, 2004, the council, by affirmative vote of four councilmembers, may adopt changes to this asset value smoothing technique. Any changes adopted by the council shall be subject to revision by the legislature.

(b) The state actuary shall periodically review the appropriateness of the asset smoothing method in this section and recommend changes to the council as necessary. Any changes adopted by the council shall be subject to revision by the legislature.

Sec. 923. RCW 41.80.010 and 2013 2nd sp.s. c 4 s 971 are each amended to read as follows:

(1) For the purpose of negotiating collective bargaining agreements under this chapter, the employer shall be represented by the governor or governor's designee, except as provided for institutions of higher education in subsection (4) of this section.

(2)(a) If an exclusive bargaining representative represents more than one bargaining unit, the exclusive bargaining representative shall negotiate with each employer representative as designated in subsection (1) of this section one master collective bargaining agreement on behalf of all the employees in bargaining units that the exclusive bargaining representative represents. For those exclusive bargaining representatives who represent fewer than a total of five hundred employees each, negotiation shall be by a coalition of all those exclusive bargaining representatives. The coalition shall bargain for a master collective bargaining agreement covering all of the employees represented by the coalition. The governor's designee and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of agency-specific issues for inclusion in or as an addendum to the master collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. This section does not prohibit cooperation and coordination of bargaining between two or more exclusive bargaining representatives.

(b) This subsection (2) does not apply to exclusive bargaining representatives who represent employees of institutions of higher education, except when the institution of higher education has elected to exercise its option under subsection (4) of this section to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(c) If five hundred or more employees of an independent state elected official listed in RCW 43.01.010 are organized in a bargaining unit or bargaining units under RCW 41.80.070, the official shall be consulted by the governor or the governor's designee before any agreement is reached under (a) of this subsection concerning supplemental bargaining of agency specific issues affecting the employees in such bargaining unit.

(3) The governor shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement or for legislation necessary to implement the agreement. Requests for funds necessary to implement the provisions of bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of the office of financial management as being feasible financially for the state.

The legislature shall approve or reject the submission of the request for funds as a whole. The legislature shall not consider a request for funds to implement a collective bargaining agreement unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 41.80.090.

(4)(a)(i) For the purpose of negotiating agreements for institutions of higher education, the employer shall be the respective governing board of each of the universities, colleges, or community colleges or a designee chosen by the board to negotiate on its behalf.

(ii) A governing board of a university or college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section, except that:

(A) The governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of a university or college that the representative represents; or

(B) If the parties mutually agree, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of more than one university or college that the representative represents.

(iii) A governing board of a community college may elect to have its negotiations conducted by the governor or governor's designee under the

procedures provided for general government agencies in subsections (1) through (3) of this section.

(b) Prior to entering into negotiations under this chapter, the institutions of higher education or their designees shall consult with the director of the office of financial management regarding financial and budgetary issues that are likely to arise in the impending negotiations.

(c)(i) In the case of bargaining agreements reached between institutions of higher education other than the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of the bargaining agreements, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in (c)(iii) of this subsection.

(ii) In the case of bargaining agreements reached between the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of a bargaining agreement, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in this subsection (4)(c)(ii) and as provided in (c)(iii) of this subsection.

(A) If appropriations of less than ten thousand dollars are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered.

(B) If appropriations of ten thousand dollars or more are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request:

(I) Has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered; and

(II) Has been certified by the director of the office of financial management as being feasible financially for the state.

(C) If the director of the office of financial management does not certify a request under (c)(ii)(B) of this subsection as being feasible financially for the state, the parties shall enter into collective bargaining solely for the purpose of reaching a mutually agreed upon modification of the agreement necessary to address the absence of those requested funds. The legislature may act upon the compensation and fringe benefit provisions of the modified collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(iii) In the case of a bargaining unit of employees of institutions of higher education in which the exclusive bargaining representative is certified during or after the conclusion of a legislative session, the legislature may act upon the compensation and fringe benefit provisions of the unit's initial collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final

legislative action on the biennial or supplemental operating budget by the sitting legislature.

(5) There is hereby created a joint committee on employment relations, which consists of two members with leadership positions in the house of representatives, representing each of the two largest caucuses; the chair and ranking minority member of the house appropriations committee, or its successor, representing each of the two largest caucuses; two members with leadership positions in the senate, representing each of the two largest caucuses; and the chair and ranking minority member of the senate ways and means committee, or its successor, representing each of the two largest caucuses. The governor shall periodically consult with the committee regarding appropriations necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreements, and upon completion of negotiations, advise the committee on the elements of the agreements and on any legislation necessary to implement the agreements.

(6) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(7) After the expiration date of a collective bargaining agreement negotiated under this chapter, all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(8) For the 2013-2015 fiscal biennium, a collective bargaining agreement related to employee health care benefits negotiated between the employer and coalition pursuant to RCW 41.80.020(3) regarding the dollar amount expended on behalf of each employee shall be a separate agreement for which the governor may request funds necessary to implement the agreement. The legislature may act upon a 2013-2015 collective bargaining agreement related to employee health care benefits if an agreement is reached and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating appropriations act by the sitting legislature.

(9)(a) For the 2015-2017 fiscal biennium, the governor may request funds to implement:

(i) Modifications to collective bargaining agreements as set forth in a memorandum of understanding negotiated between the employer and the service employees international union healthcare 1199nw, an exclusive bargaining representative, that was necessitated by an emergency situation or an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety or health of the clients, employees, or both the clients and employees.

(ii) Unilaterally implemented modifications to collective bargaining agreements, resulting from the employer being prohibited from negotiating with an exclusive bargaining representative due to a pending representation petition, necessitated by an emergency situation or an imminent jeopardy determination

by the center for medicare and medicaid services that relates to the safety or health of the clients, employees, or both the clients and employees.

(iii) Modifications to collective bargaining agreements as set forth in a memorandum of understanding negotiated between the employer and the union of physicians of Washington, an exclusive bargaining representative, that was necessitated by an emergency situation or an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety or health of the clients, employees, or both the clients and employees. If the memorandum of understanding submitted to the legislature as part of the governor's budget document is rejected by the legislature, and the parties reach a new memorandum of understanding by June 30, 2016, within the funds, conditions, and limitations provided in section 204 of this act, the new memorandum of understanding shall be considered approved by the legislature and may be retroactive to December 1, 2015.

(iv) Modifications to collective bargaining agreements as set forth in a memorandum of understanding negotiated between the employer and the teamsters union local 117, an exclusive bargaining representative, for salary adjustments for the state employee job classifications of psychiatrist, psychiatric social worker and psychologist.

(b) For the 2015-2017 fiscal biennium, the legislature may act upon the request for funds for modifications to a 2015-2017 collective bargaining agreement under (a)(i), (ii), (iii), and (iv) of this subsection if funds are requested by the governor before final legislative action on the supplemental omnibus appropriations act by the sitting legislature.

(c) The request for funding made under this subsection and any action by the legislature taken pursuant to this subsection is limited to the modifications described in this subsection and may not otherwise affect the original terms of the 2015-2017 collective bargaining agreement.

(d) Subsections (3)(a) and (b) of this section do not apply to requests for funding made pursuant to this subsection.

Sec. 924. RCW 41.80.140 and 2002 c 354 s 322 are each amended to read as follows:

(1) The office of financial management's labor relations service account is created in the custody of the state treasurer to be used as a revolving fund for the payment of labor relations services required for the negotiation of the collective bargaining agreements entered into under this chapter. An amount not to exceed one-tenth of one percent of the approved allotments of salaries and wages for all bargaining unit positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the office of financial management's labor relations service account as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director of financial management from time to time. Payment for services rendered under this chapter shall be made on a quarterly basis to the state treasurer and deposited into the office of financial management's labor relations service account.

(2) Moneys from the office of financial management's labor relations service account shall be disbursed by the state treasurer by warrants on vouchers

authorized by the director of financial management or the director's designee. An appropriation is not required.

(3) During the 2015-2017 fiscal biennium, the legislature may transfer moneys from the office of financial management's labor relations service account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 925. RCW 43.09.475 and 2015 3rd sp.s. c 4 s 954 are each amended to read as follows:

The performance audits of government account is hereby created in the custody of the state treasurer. Revenue identified in RCW 82.08.020(5) and 82.12.0201 shall be deposited in the account. Money in the account shall be used to fund the performance audits and follow-up performance audits under RCW 43.09.470 and shall be expended by the state auditor in accordance with chapter 1, Laws of 2006. Only the state auditor or the state auditor's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the 2013-2015 and 2015-2017 fiscal biennia, the performance audits of government account may be appropriated for the joint legislative audit and review committee, the legislative evaluation and accountability program committee, the office of financial management, the superintendent of public instruction, and audits of school districts. In addition, during the 2013-2015 and 2015-2017 fiscal biennia the account may be used to fund the office of financial management's contract for the compliance audit of the state auditor and audit activities at the department of revenue. In addition, during the 2015-2017 fiscal biennium, the legislature may transfer from the performance audits of government account to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 926. RCW 43.10.220 and 2002 c 371 s 907 are each amended to read as follows:

The attorney general is authorized to expend from the antitrust revolving fund, created by RCW 43.10.210 through 43.10.220, such funds as are necessary for the payment of costs, expenses and charges incurred in the preparation, institution and maintenance of antitrust actions under the state and federal antitrust acts. During the ((~~2001-03~~)) 2015-2017 fiscal biennium, the attorney general may expend from the antitrust revolving fund for the purposes of the consumer protection activities of the office.

NEW SECTION. **Sec. 927.** A new section is added to chapter 43.41 RCW to read as follows:

The office of financial management central service account is created in the state treasury. The account is to be used by the office as a revolving fund for the payment of salaries, wages, and other costs required for the operation and maintenance of statewide budgeting, accounting, forecasting, and functions and activities in the office. All receipts from agency fees and charges for services collected from public agencies must be deposited into the account. The director shall fix the terms and charges to agencies based on each agency's share of the office statewide cost allocation plan for federal funds. Moneys in the account may be spent only after appropriation.

Sec. 928. RCW 43.43.839 and 2015 3rd sp.s. c 4 s 955 are each amended to read as follows:

The fingerprint identification account is created in the custody of the state treasurer. All receipts from incremental charges of fingerprint checks requested for noncriminal justice purposes and electronic background requests shall be deposited in the account. Receipts for fingerprint checks by the federal bureau of investigation may also be deposited in the account. Expenditures from the account may be used only for the cost of record checks. Only the chief of the state patrol or the chief's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. No appropriation is required for expenditures prior to July 1, 1997. After June 30, 1997, the account shall be subject to appropriation. During the 2009-2011 fiscal biennium, the legislature may transfer from the fingerprint identification account to the state general fund such amounts as reflect the excess fund balance of the account. During the 2013-2015 fiscal biennium, funds in the account may be used for expenditures that support the criminal records management division of the state patrol. During the 2015-2017 fiscal biennium, funds in the account may be used for expenditures related to the upgrade of the state patrol's criminal history system. During the 2015-2017 fiscal biennium, the legislature may transfer from the fingerprint identification account to the sexual assault kit account and the account may be used for building the sexual assault kit tracking system in such amounts as reflect the excess fund balance of the account.

***Sec. 929. RCW 43.43.944 and 2012 c 173 s 1 are each amended to read as follows:**

***(1) The fire service training account is hereby established in the state treasury. The primary purpose of the account is firefighter training for both volunteer and career firefighters. The fund shall consist of:**

***(a) All fees received by the Washington state patrol for fire service training;**

***(b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940;**

***(c) Twenty percent of all moneys received by the state on fire insurance premiums; and**

***(d) General fund—state moneys appropriated into the account by the legislature.**

***(2) Moneys in the account may be appropriated for: (a) Fire service training; (b) school fire prevention activities within the Washington state patrol; and (c) the maintenance, operations, and capital projects of the state fire training academy. However, expenditures for purposes of (b) and (c) of this subsection may only be made to the extent that these expenditures do not adversely affect expenditures for the purpose of (a) of this subsection. The state patrol may use amounts appropriated from the fire service training account under this section to contract with the Washington state firefighters apprenticeship trust for the operation of the firefighter joint apprenticeship training program. The contract may call for payments on a monthly basis.**

***(3) Any general fund—state moneys appropriated into the account shall be allocated solely to the firefighter joint apprenticeship training program. The Washington state patrol may contract with outside entities for the**

administration and delivery of the firefighter joint apprenticeship training program.

(4) During the 2015-2017 fiscal biennium, the fire services training account may be used for the Washington state fire service resource mobilization costs of the Washington state patrol.

****Sec. 929 was vetoed. See message at end of chapter.***

Sec. 930. RCW 43.79.201 and 2011 1st sp.s. c 50 s 945 are each amended to read as follows:

(1) The charitable, educational, penal and reformatory institutions account is hereby created, in the state treasury, into which account there shall be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions, except all moneys arising from the sale, lease, or transfer of that certain one hundred thousand acres of such land assigned for the support of the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893.

(2) If feasible, not less than one-half of all income to the charitable, educational, penal, and reformatory institutions account shall be appropriated for the purpose of providing housing, including repair and renovation of state institutions, for persons with mental illness or developmental disabilities, or youth who are blind, deaf, or otherwise disabled. If moneys are appropriated for community-based housing, the moneys shall be appropriated to the department of commerce for the housing assistance program under chapter 43.185 RCW. During the ((~~2009-2011 and 2011-2013~~)) 2015-2017 fiscal ((~~biennia~~)) biennium, the legislature may transfer from the charitable, educational, penal and reformatory institutions account to the state general fund such amounts as reflect excess fund balance of the account.

Sec. 931. RCW 43.79.445 and 2013 2nd sp.s. c 4 s 979 are each amended to read as follows:

There is established an account in the state treasury referred to as the "death investigations account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in RCW 70.58.107 and any moneys appropriated or otherwise provided thereafter.

Moneys in the death investigations account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The treasurer shall make disbursements to: The state toxicology laboratory, counties for the cost of autopsies, the state patrol for providing partial funding for the state dental identification system, the criminal justice training commission for training county coroners, medical examiners and their staff, and the state forensic investigations council. Funds from the death investigations account may be appropriated during the 2013-2015 fiscal biennium for the activities of the state crime laboratory within the Washington state patrol. During the 2015-2017 fiscal biennium, the legislature may transfer from the death investigations account to the sexual assault kit account such amounts as reflect the excess fund balance of the account.

Sec. 932. RCW 43.79.460 and 2011 2nd sp.s. c 9 s 908 are each amended to read as follows:

(1) The savings incentive account is created in the custody of the state treasurer. The account shall consist of all moneys appropriated to the account by the legislature. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures from the account.

(2) Within the savings incentive account, the state treasurer may create subaccounts to be credited with incentive savings attributable to individual state agencies, as determined by the office of financial management in consultation with the legislative fiscal committees. Moneys deposited in the subaccounts may be expended only on the authorization of the agency's executive head or designee and only for the purpose of one-time expenditures to improve the quality, efficiency, and effectiveness of services to customers of the state, such as one-time expenditures for employee training, employee incentives, technology improvements, new work processes, or performance measurement. Funds may not be expended from the account to establish new programs or services, expand existing programs or services, or incur ongoing costs that would require future expenditures.

(3) For purposes of this section, "incentive savings" means state general fund appropriations that are unspent as of June 30th of a fiscal year, excluding any amounts included in across-the-board reductions under RCW 43.88.110 and excluding unspent appropriations for:

(a) Caseload and enrollment in entitlement programs, except to the extent that an agency has clearly demonstrated that efficiencies have been achieved in the administration of the entitlement program. "Entitlement program," as used in this section, includes programs for which specific sums of money are appropriated for pass-through to third parties or other entities;

(b) Enrollments in state institutions of higher education;

(c) Except for fiscal year 2011, a specific amount contained in a condition or limitation to an appropriation in the biennial appropriations act, if the agency did not achieve the specific purpose or objective of the condition or limitation;

(d) Debt service on state obligations; and

(e) State retirement system obligations.

(4) The office of financial management, after consulting with the legislative fiscal committees, shall report the amount of savings incentives achieved.

(5) For fiscal year 2010, the legislature may transfer from the savings incentive account to the state general fund such amounts as reflect the fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2009. For fiscal year 2011, the legislature may transfer from the savings incentive account to the state general fund such amounts as reflect the fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2010. For fiscal year 2011, the legislature may transfer from the savings incentive account to the state general fund eight million dollars or as much as reflects the fund balance of the account attributable to unspent agency credits prior to fiscal year 2009. Credits for legislative and judicial agencies are not included in this action, with the exception and upon consent of the supreme court, court of appeals, office of public defense, and office of civil legal aid.

(6) For fiscal years 2012 and 2013, the legislature may transfer from the savings incentive account to the state general fund such amounts as reflect the

fund balance of the account attributable to unspent general fund appropriations for fiscal years 2011 and 2012.

(7) For fiscal year 2016, the legislature may transfer from the savings incentive account to the state general fund such amounts as reflect the fund balance of the account attributable to unspent agency credit. Credits for legislative and judicial agencies are not included in this action.

Sec. 933. RCW 43.83B.430 and 2011 c 5 s 911 are each amended to read as follows:

The state drought preparedness account is created in the state treasury. All receipts from appropriated funds designated for the account and funds transferred from the state emergency water projects revolving account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for drought preparedness. During the 2009-2011 fiscal biennium, the legislature may transfer from the state drought preparedness account to the state general fund such amounts as reflect the excess fund balance of the account. For the 2015-2017 fiscal biennium, the account may also accept revenue collected from emergency drought well-related water service contracts and may be used for drought response.

Sec. 934. RCW 43.135.045 and 2013 2nd sp.s. c 9 s 5 are each amended to read as follows:

The education construction fund is hereby created in the state treasury.

(1) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction.

(2) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection must result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and does not affect any subsequent fiscal period.

(3) Nothwithstanding subsection (2) of this section, during the 2015-2017 fiscal biennium, the fund may be used for maintenance and operations at community and technical colleges.

***Sec. 935. RCW 43.155.050 and 2015 3rd sp.s. c 4 s 959 are each amended to read as follows:**

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency

loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. During the 2015-2017 fiscal biennium, the legislature may transfer from the public works assistance account to the general fund, the water pollution control revolving account, and the drinking water assistance account such amounts as reflect the excess fund balance of the account. During the 2013-2015 fiscal biennium, the legislature may transfer from the public works assistance account to the education legacy trust account such amounts as specified by the legislature. During the 2015-2017 fiscal biennium, the legislature may appropriate moneys from the account for activities related to the growth management act and the voluntary stewardship program. During the 2015-2017 fiscal biennium, the legislature may transfer from the public works assistance account to the state general fund such amounts as specified by the legislature. In the 2017-2019 fiscal biennium the legislature intends to continue the policy since 2013 of not authorizing new loans from the account and to allocate ((seventy-three million)) the available two hundred twenty-seven million three hundred sixty-seven thousand dollars of future loan repayments paid into the public works assistance account to support basic education.

Sec. 935 was vetoed. See message at end of chapter.

Sec. 936. RCW 43.185.030 and 1991 sp.s. c 13 s 87 are each amended to read as follows:

There is hereby created in the state treasury an account to be known as the Washington housing trust fund. The housing trust fund shall include revenue from the sources established by this chapter, appropriations by the legislature, private contributions, repayment of loans, and all other sources. During the 2015-2017 fiscal biennium, the legislature may transfer from the Washington housing trust fund to the home security fund account and to the state general fund such amounts as reflect the excess balance in the fund.

Sec. 937. RCW 43.350.070 and 2011 c 5 s 916 are each amended to read as follows:

The life sciences discovery fund is created in the custody of the state treasurer. Only the board or the board's designee may authorize expenditures from the fund. Expenditures from the fund may be made only for purposes of this chapter. Administrative expenses of the authority, including staff support, may be paid only from the fund. Revenues to the fund consist of transfers made by the legislature from strategic contribution payments deposited in the tobacco settlement account under RCW 43.79.480, moneys received pursuant to contribution agreements entered into pursuant to RCW 43.350.030, moneys received from gifts, grants, and bequests, and interest earned on the fund. During the ((~~2009-2011~~)) 2015-2017 fiscal biennium, the legislature may transfer to other state funds or accounts such amounts as represent the excess balance of the life sciences discovery fund.

Sec. 938. RCW 43.372.070 and 2013 c 318 s 3 are each amended to read as follows:

(1) The marine resources stewardship trust account is created in the state treasury. All receipts from income derived from the investment of amounts credited to the account, any grants, gifts, or donations to the state for the

purposes of marine management planning, marine spatial planning, data compilation, research, or monitoring, and any appropriations made to the account must be deposited in the account. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may only be used for the purposes of marine management planning, marine spatial planning, research, monitoring, and implementation of the marine management plan.

(3) Except as provided in subsection (5) of this section, until July 1, 2016, expenditures from the account may only be used for the purposes of:

(a) Conducting ecosystem assessment and mapping activities in marine waters consistent with RCW 43.372.040(6) (a) and (c), with a focus on assessment and mapping activities related to marine resource uses and developing potential economic opportunities;

(b) Developing a marine management plan for the state's coastal waters as that term is defined in RCW 43.143.020; and

(c) Coordination under the west coast governors' agreement on ocean health, entered into on September 18, 2006, and other regional planning efforts consistent with RCW 43.372.030.

(4) Expenditures from the account on projects and activities relating to the state's coastal waters, as defined in RCW 43.143.020, must be made, to the maximum extent possible, consistent with the recommendations of the Washington coastal marine advisory council as provided in RCW 43.143.060. If expenditures relating to coastal waters are made in a manner that differs substantially from the Washington coastal marine advisory council's recommendations, the responsible agency receiving the appropriation shall provide the council and appropriate committees of the legislature with a written explanation.

(5) During the 2015-2017 fiscal biennium, the legislature may transfer from the marine resources stewardship trust account to the aquatic lands enhancement account such amounts as reflect the excess fund balance of the account.

Sec. 939. RCW 46.08.160 and 1961 c 12 s 46.08.160 are each amended to read as follows:

The chief of the Washington state patrol shall be the chief enforcing officer to assure the proper enforcement of such rules and regulations. In addition to the Washington state patrol, in the 2015-2017 fiscal biennium, the director of enterprise services may also contract with the city of Olympia to provide enforcement of rules and regulations for the control of vehicular and pedestrian traffic and the parking of motor vehicles on the east state capitol campus, including but not limited to the plaza garage, and the north and south diagonals on the state capitol grounds under RCW 46.08.150 to increase revenue to the state agency parking account under RCW 43.01.240. The contract may address jurisdictional issues related to such enforcement.

Sec. 939 was vetoed. See message at end of chapter.

Sec. 940. RCW 50.16.010 and 2014 c 221 s 920 are each amended to read as follows:

(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund and an administrative contingency fund, which shall be administered by the

commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund;

(iii) All earnings of such property or securities;

(iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304);

(viii) The portion of the additional penalties as provided in RCW 50.20.070(2) that is fifteen percent of the amount of benefits overpaid or deemed overpaid; and

(ix) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title, except the portion of the additional penalties as provided in RCW 50.20.070(2) that is fifteen percent of the amount of benefits overpaid or deemed overpaid;

(iii) All sums recovered on official bonds for losses sustained by the fund; and

(iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) Except as provided in (d) of this subsection, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

(i) The proper administration of this title and that insufficient federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

(d)(i) During the 2007-2009 fiscal biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended as appropriated by the legislature for: (A) The cost of the job skills or worker retraining programs at the community and technical colleges and administrative costs at the state board for community and technical colleges; and (B) reemployment services such as business and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of commerce. The remaining appropriation may be expended as specified in (c) of this subsection.

(ii) During the 2013-2015 and 2015-2017 fiscal biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended as appropriated by the legislature ((~~for~~)): (A) For the department of social and health services for employment and training services and programs in the WorkFirst program; (B) for the administrative costs of state agencies participating in the WorkFirst program; and (C) by the commissioner for the work group on agricultural and agricultural-related issues as provided in the 2013-2015 omnibus operating appropriations act. The remaining appropriation may be expended as specified in (c) of this subsection.

(4) Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

Sec. 941. RCW 50.24.014 and 2011 c 4 s 11 are each amended to read as follows:

(1)(a) A separate and identifiable account to provide for the financing of special programs to assist the unemployed is established in the administrative contingency fund. All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at a basic rate of two one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010.

(b) A separate and identifiable account is established in the administrative contingency fund for financing the employment security department's administrative costs under RCW 50.22.150 and 50.22.155 and the costs under RCW 50.22.150(11) and 50.22.155 (1)(m) and (2)(m). All money in this account shall be expended solely for the purposes of this title and for no other purposes

whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, those employers who are required to make payments in lieu of contributions, those employers described under RCW 50.29.025(2)(d), and those qualified employers assigned rate class 20 or rate class 40, as applicable, under RCW 50.29.025, at a basic rate of one one-hundredth of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010. Any amount of contributions payable under this subsection (1)(b) that exceeds the amount that would have been collected at a rate of four one-thousandths of one percent must be deposited in the account created in (a) of this subsection.

(2)(a) Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

(b) In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) If the commissioner determines that federal funding has been increased to provide financing for the services specified in chapter 50.62 RCW, the commissioner shall direct that collection of contributions under this section be terminated on the following January 1st.

(4) During the 2015-2017 fiscal biennium, the legislature may transfer into the unrestricted administrative contingency fund and into the state general fund from the account in subsection (1)(b) of this section such amounts as reflect the excess fund balance of the account.

Sec. 942. RCW 69.50.530 and 2015 2nd sp.s. c 4 s 1101 are each amended to read as follows:

The dedicated marijuana account is created in the state treasury. All moneys received by the state liquor and cannabis board, or any employee thereof, from marijuana-related activities must be deposited in the account. Unless otherwise provided in chapter 4, Laws of 2015 2nd sp. sess., all marijuana excise taxes collected from sales of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products under RCW 69.50.535, and the license fees, penalties, and forfeitures derived under this chapter from marijuana producer, marijuana processor, marijuana researcher, and marijuana retailer licenses, must be deposited in the account. Moneys in the account may only be spent after appropriation. During the 2015-2017 fiscal biennium, the legislature may transfer from the dedicated marijuana account to the basic health plan trust account such amounts as reflect the excess fund balance of the account.

Sec. 943. RCW 70.105D.070 and 2015 3rd sp.s. c 4 s 969 and 2015 3rd sp.s. c 3 s 7035 are each reenacted and amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2)(a) Moneys collected under RCW 82.21.030 must be deposited as follows: Fifty-six percent to the state toxics control account under subsection (3) of this section and forty-four percent to the local toxics control account under

subsection (4) of this section. When the cumulative amount of deposits made to the state and local toxics control accounts under this section reaches the limit during a fiscal year as established in (b) of this subsection, the remainder of the moneys collected under RCW 82.21.030 during that fiscal year must be deposited into the environmental legacy stewardship account created in RCW 70.105D.170.

(b) The limit on distributions of moneys collected under RCW 82.21.030 to the state and local toxics control accounts for the fiscal year beginning July 1, 2013, is one hundred forty million dollars.

(c) In addition to the funds required under (a) of this subsection, the following moneys must be deposited into the state toxics control account: (i) The costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (ii) penalties collected or recovered under this chapter; and (iii) any other money appropriated or transferred to the account by the legislature.

(3) Moneys in the state toxics control account must be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70.146 RCW;

(j) A public participation program;

(k) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both: (i) A substantially more expeditious or enhanced cleanup than would otherwise occur; and (ii) the prevention or mitigation of unfair economic hardship;

(l) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(m) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(n) Storm water pollution control projects and activities that protect or preserve existing remedial actions or prevent hazardous clean-up sites;

(o) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(p) Air quality programs and actions for reducing public exposure to toxic air pollution;

(q) Public funding to assist prospective purchasers to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) if:

(i) The facility is located within a redevelopment opportunity zone designated under RCW 70.105D.150;

(ii) The amount and terms of the funding are established under a settlement agreement under RCW 70.105D.040(5); and

(iii) The director has found the funding meets any additional criteria established in rule by the department, will achieve a substantially more expeditious or enhanced cleanup than would otherwise occur, and will provide a public benefit in addition to cleanup commensurate with the scope of the public funding;

(r) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters;

(s) Appropriations to the local toxics control account or the environmental legacy stewardship account created in RCW 70.105D.170, if the legislature determines that priorities for spending exceed available funds in those accounts;

(t) During the 2013-2015 and 2015-2017 fiscal biennia, the department of ecology's water quality, shorelands, environmental assessment, administration, and air quality programs;

(u) During the 2013-2015 fiscal biennium, actions at the state conservation commission to improve water quality for shellfish;

(v) During the 2013-2015 and 2015-2017 fiscal biennia, actions at the University of Washington for reducing ocean acidification;

(w) During the 2015-2017 fiscal biennium, for the University of Washington Tacoma soil remediation project;

(x) For the 2013-2015 fiscal biennium, moneys in the state toxics control account may be spent on projects in section 3160, chapter 19, Laws of 2013 2nd sp. sess. and for transfer to the local toxics control account;

(y) For the 2013-2015 fiscal biennium, moneys in the state toxics control account may be transferred to the radioactive mixed waste account; and

(z) For the 2015-2017 fiscal biennium, forest practices regulation at the department of natural resources.

(4)(a) The department shall use moneys deposited in the local toxics control account for grants or loans to local governments for the following purposes in descending order of priority:

(i) Extended grant agreements entered into under (e)(i) of this subsection;

(ii) Remedial actions, including planning for adaptive reuse of properties as provided for under (e)(iv) of this subsection. The department must prioritize funding of remedial actions at:

(A) Facilities on the department's hazardous sites list with a high hazard ranking for which there is an approved remedial action work plan or an equivalent document under federal cleanup law;

(B) Brownfield properties within a redevelopment opportunity zone if the local government is a prospective purchaser of the property and there is a

department-approved remedial action work plan or equivalent document under the federal cleanup law;

(iii) Storm water pollution source projects that: (A) Work in conjunction with a remedial action; (B) protect completed remedial actions against recontamination; or (C) prevent hazardous clean-up sites;

(iv) Hazardous waste plans and programs under chapter 70.105 RCW;

(v) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters; and

(vii) Appropriations to the state toxics control account or the environmental legacy stewardship account created in RCW 70.105D.170, if the legislature determines that priorities for spending exceed available funds in those accounts.

(b) Funds for plans and programs must be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.

(c) During the 2013-2015 fiscal biennium, the local toxics control account may also be used for local government storm water planning and implementation activities.

(d) During the 2013-2015 fiscal biennium, the legislature may transfer from the local toxics control account to the state general fund, such amounts as reflect the excess fund balance in the account.

(e) To expedite cleanups throughout the state, the department may use the following strategies when providing grants to local governments under this subsection:

(i) Enter into an extended grant agreement with a local government conducting remedial actions at a facility where those actions extend over multiple biennia and the total eligible cost of those actions exceeds twenty million dollars. The agreement is subject to the following limitations:

(A) The initial duration of such an agreement may not exceed ten years. The department may extend the duration of such an agreement upon finding substantial progress has been made on remedial actions at the facility;

(B) Extended grant agreements may not exceed fifty percent of the total eligible remedial action costs at the facility; and

(C) The department may not allocate future funding to an extended grant agreement unless the local government has demonstrated to the department that funds awarded under the agreement during the previous biennium have been substantially expended or contracts have been entered into to substantially expend the funds;

(ii) Enter into a grant agreement with a local government conducting a remedial action that provides for periodic reimbursement of remedial action costs as they are incurred as established in the agreement;

(iii) Enter into a grant agreement with a local government prior to it acquiring a property or obtaining necessary access to conduct remedial actions, provided the agreement is conditioned upon the local government acquiring the property or obtaining the access in accordance with a schedule specified in the agreement;

(iv) Provide integrated planning grants to local governments to fund studies necessary to facilitate remedial actions at brownfield properties and adaptive

reuse of properties following remediation. Eligible activities include, but are not limited to: Environmental site assessments; remedial investigations; health assessments; feasibility studies; site planning; community involvement; land use and regulatory analyses; building and infrastructure assessments; economic and fiscal analyses; and any environmental analyses under chapter 43.21C RCW;

(v) Provide grants to local governments for remedial actions related to area-wide groundwater contamination. To receive the funding, the local government does not need to be a potentially liable person or be required to seek reimbursement of grant funds from a potentially liable person;

(vi) The director may alter grant matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational opportunities, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of brownfield property under RCW 70.105D.040(5) that would not otherwise occur;

(vii) When pending grant applications under (e)(iv) and (v) of this subsection (4) exceed the amount of funds available, designated redevelopment opportunity zones must receive priority for distribution of available funds.

(f) To expedite multiparty clean-up efforts, the department may purchase remedial action cost-cap insurance. For the 2013-2015 fiscal biennium, moneys in the local toxics control account may be spent on projects in sections 3024, 3035, 3036, and 3059, chapter 19, Laws of 2013 2nd sp. sess.

(5) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(6) No moneys deposited into either the state or local toxics control account may be used for: Natural disasters where there is no hazardous substance contamination; high performance buildings; solid waste incinerator facility feasibility studies, construction, maintenance, or operation; or after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310. However, this subsection does not prevent an appropriation from the state toxics control account to the department of revenue to enforce compliance with the hazardous substance tax imposed in chapter 82.21 RCW.

(7) Except during the 2011-2013 and the 2015-2017 fiscal ((~~biennium~~)) biennia, one percent of the moneys collected under RCW 82.21.030 shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys

appropriated for public participation that are not expended at the close of any biennium revert to the state toxics control account.

(8) The department shall adopt rules for grant or loan issuance and performance. To accelerate both remedial action and economic recovery, the department may expedite the adoption of rules necessary to implement chapter 1, Laws of 2013 2nd sp. sess. using the expedited procedures in RCW 34.05.353. The department shall initiate the award of financial assistance by August 1, 2013. To ensure the adoption of rules will not delay financial assistance, the department may administer the award of financial assistance through interpretive guidance pending the adoption of rules through July 1, 2014.

(9) Except as provided under subsection (3)(k) and (q) of this section, nothing in chapter 1, Laws of 2013 2nd sp. sess. affects the ability of a potentially liable person to receive public funding.

(10) During the 2015-2017 fiscal biennium the local toxics control account may also be used for the centennial clean water program and for the storm water financial assistance program administered by the department of ecology.

Sec. 944. RCW 70.128.160 and 2015 c 266 s 1 are each amended to read as follows:

(1) The department is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that an adult family home provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated an adult family home without a license or under a revoked license;

(c) Knowingly or with reason to know made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a license;

(b) Impose reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of at least one hundred dollars per day per violation;

(d) Impose civil penalties of up to three thousand dollars for each incident that violates adult family home licensing laws and rules, including, but not limited to, chapters 70.128, 70.129, 74.34, and 74.39A RCW and related rules. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty;

(e) Impose civil penalties of up to ten thousand dollars for a current or former licensed provider who is operating an unlicensed home;

(f) Suspend, revoke, or refuse to renew a license; or

(g) Suspend admissions to the adult family home by imposing stop placement.

(3) When the department orders stop placement, the facility shall not admit any person until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement only after: (a) The violations necessitating the stop placement have been corrected; and (b) the provider exhibits the capacity to maintain correction of the violations previously found deficient. However, if upon the revisit the department finds new violations that the department reasonably believes will result in a new stop placement, the previous stop placement shall remain in effect until the new stop placement is imposed. In order to protect the home's existing residents from potential ongoing neglect, when the provider has been cited for a violation that is repeated, uncorrected, pervasive, or presents a threat to the health, safety, or welfare of one or more residents, and the department has imposed a stop placement, the department shall also impose a condition on license or other remedy to facilitate or spur prompter compliance if the violation has not been corrected, and the provider has not exhibited the capacity to maintain correction, within sixty days of the stop placement.

(4) Nothing in subsection (3) of this section is intended to apply to stop placement imposed in conjunction with a license revocation or summary suspension or to prevent the department from imposing a condition on license or other remedy prior to sixty days after a stop placement, if the department considers it necessary to protect one or more residents' well-being. After a department finding of a violation for which a stop placement has been imposed, the department shall make an on-site revisit of the provider within fifteen working days from the request for revisit, to ensure correction of the violation. For violations that are serious or recurring or uncorrected following a previous citation, and create actual or threatened harm to one or more residents' well-being, including violations of residents' rights, the department shall make an on-site revisit as soon as appropriate to ensure correction of the violation. Verification of correction of all other violations may be made by either a department on-site revisit or by written or photographic documentation found by the department to be credible. This subsection does not prevent the department from enforcing license suspensions or revocations. Nothing in this subsection shall interfere with or diminish the department's authority and duty to ensure that the provider adequately cares for residents, including to make departmental on-site revisits as needed to ensure that the provider protects residents, and to enforce compliance with this chapter.

(5) Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing license suspension, stop placement, or conditions for continuation of a license are effective immediately upon notice and shall continue in effect pending a hearing, which must commence no later than sixty days after receipt of a request for a hearing. The time for commencement of a hearing may be extended by agreement of the parties or by the presiding officer for good cause shown by either party, but must commence no later than one hundred twenty days after receipt of a request for a hearing.

(6) A separate adult family home account is created in the custody of the state treasurer. All receipts from civil penalties imposed under this chapter must be deposited into the account. Only the director or the director's designee may

authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The department shall use the special account only for promoting the quality of life and care of residents living in adult family homes. During the 2015-2017 fiscal biennium, the account may be expended for funding costs associated with the adult family home program.

(7) The department shall by rule specify criteria as to when and how the sanctions specified in this section must be applied. The criteria must provide for the imposition of incrementally more severe penalties for deficiencies that are repeated, uncorrected, pervasive, or present a threat to the health, safety, or welfare of one or more residents. The criteria shall be tiered such that those homes consistently found to have deficiencies will be subjected to increasingly severe penalties. The department shall implement prompt and specific enforcement remedies without delay for providers found to have delivered care or failed to deliver care resulting in problems that are repeated, uncorrected, pervasive, or present a threat to the health, safety, or welfare of one or more residents. In the selection of remedies, the health, safety, and well-being of residents must be of paramount importance.

Sec. 945. RCW 72.09.090 and 2011 1st sp.s. c 21 s 36 are each amended to read as follows:

The correctional industries account is established in the state treasury. The department of corrections shall deposit in the account all moneys collected and all profits that accrue from the industrial and agricultural operations of the department and any moneys appropriated to the account. Moneys in the account may be spent only for expenses arising in the correctional industries operations.

The division's net profits from correctional industries' sales and contracts shall be reinvested, without appropriation, in the expansion and improvement of correctional industries. However, the secretary shall annually recommend that some portion of the profits from correctional industries be returned to the state general fund.

The secretary shall request appropriations or increased appropriations whenever it appears that additional money is needed to provide for the establishment and operation of a comprehensive correctional industries program. During the 2015-2017 fiscal biennium, the legislature may appropriate from the correctional industries account for increased caseload costs at the department of corrections such amounts as reflect the excess fund balance of the account.

Sec. 946. RCW 72.09.465 and 2007 c 483 s 403 are each amended to read as follows:

(1) The department shall, if funds are appropriated for the specific purpose, implement postsecondary education degree programs within state correctional institutions, including the state correctional institution with the largest population of female inmates. During the 2015-2017 fiscal biennium, the department may implement postsecondary degree programs within state institutions, including the state correctional institution with the largest population of females, within its existing funds and under the limitations in this section, to include any funding provided under subsection (3) of this section. The department shall consider for inclusion in any postsecondary education degree program, any postsecondary education degree program from an

accredited community college, college, or university that is part of an associate of arts, baccalaureate, masters of arts, or other graduate degree program.

(2) Except as provided in subsection (3) of this section, inmates shall be required to pay the costs for participation in any postsecondary education degree programs established under this subsection [section], including books, fees, tuition, or any other appropriate ancillary costs, by one or more of the following means:

(a) The inmate who is participating in the postsecondary education degree program shall, during confinement, provide the required payment or payments to the department; or

(b) A third party shall provide the required payment or payments directly to the department on behalf of an inmate, and such payments shall not be subject to any of the deductions as provided in this chapter.

(3) The department may accept any and all donations and grants of money, equipment, supplies, materials, and services from any third party, including but not limited to nonprofit entities, and may receive, utilize, and dispose of same to provide postsecondary education to inmates.

(4) During the 2015-2017 fiscal biennium, an inmate may be selected to participate in a state-funded postsecondary education degree program, based on priority criteria determined by the department, in which the following conditions may be considered:

(a) Priority should be given to inmates within five years of release;

(b) The inmate does not already possess a postsecondary education degree; and

(c) The inmate's individual reentry plan includes participation in a postsecondary education degree program that is:

(i) Offered at the inmate's state correctional institution; and

(ii) Approved by the department as an eligible and effective postsecondary education degree program.

(5) Any funds collected by the department under this section ((~~and RCW 72.09.450(4)~~)) shall be used solely for the creation, maintenance, or expansion of inmate postsecondary education degree programs.

Sec. 947. RCW 77.12.201 and 2013 2nd sp.s. c 4 s 998 are each amended to read as follows:

The legislative authority of a county may elect, by giving written notice to the director and the treasurer prior to January 1st of any year, to obtain for the following year an amount in lieu of real property taxes on game lands as provided in RCW 77.12.203. Upon the election, the county shall keep a record of all fines, forfeitures, reimbursements, and costs assessed and collected, in whole or in part, under this title for violations of law or rules adopted pursuant to this title, with the exception of the 2011-2013 ((~~and~~)), 2013-2015 and 2015-2017 fiscal biennia, and shall monthly remit an amount equal to the amount collected to the state treasurer for deposit in the state general fund. The election shall continue until the department is notified differently prior to January 1st of any year.

Sec. 948. RCW 79A.80.090 and 2011 c 320 s 10 are each amended to read as follows:

(1) The recreation access pass account is created in the state treasury. All moneys received from the sale of discover passes and day-use permits must be deposited into the account.

(2) Each fiscal biennium, the first seventy-one million dollars in revenue must be distributed to the agencies in the following manner:

(a) Eight percent to the department of fish and wildlife and deposited into the state wildlife account created in RCW 77.12.170;

(b) Eight percent to the department of natural resources and deposited into the park land trust revolving fund created in RCW 43.30.385; ((~~and~~))

(c) Eighty-four percent to the state parks and recreation commission and deposited into the state parks renewal and stewardship account created in RCW 79A.05.215;

(d) During the 2015-2017 fiscal biennium, expenditures from the recreation access pass account may be used for Skamania county court costs and for the state parks and recreation commission, in partnership with the departments of fish and wildlife and natural resources, to develop options and recommendations to improve recreational access fee systems.

(3) Each fiscal biennium, revenues in excess of seventy-one million dollars must be distributed equally among the agencies to the accounts identified in subsection (2) of this section.

Sec. 949. RCW 90.03.650 and 2010 c 285 s 4 are each amended to read as follows:

The water rights processing account is created in the state treasury. All receipts from the fees collected under RCW 90.03.655, 90.03.665, and 90.44.540 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account may only be used to support the processing of water right applications for a new appropriation, change, transfer, or amendment of a water right as provided in this chapter and chapters 90.42 and 90.44 RCW or for the examination, certification, and renewal of certification of water right examiners as provided in RCW 90.03.665. During the 2015-2017 fiscal biennium the legislature may transfer from the water rights processing account to the state drought preparedness account.

Sec. 950. RCW 90.56.335 and 2003 c 264 s 3 are each amended to read as follows:

The vessel response account is created in the state treasury. Grants, gifts, and federal funds may be deposited into the account. Oil spill penalties assessed against ships under RCW 90.56.330 and 90.48.144 shall also be deposited into the account as well as the money distributed under RCW 46.68.020(2). Moneys in the account may be spent only after appropriation. The department of ecology is authorized to utilize the vessel response account to preposition a dedicated rescue tug at the entrance to the Strait of Juan de Fuca to reduce the risk of major maritime accidents and oil spills on the outer coast and western strait. Prior to authorizing the rescue tug to respond to a distressed vessel, the department shall work with the United States coast guard and industry to determine if another capable, unencumbered commercial tug is available in the area that can respond. If such a tug can respond without increasing the risk of a casualty, it should be deployed as the tug of choice and the state-contracted rescue tug should not be taken off standby duty. The department is also authorized to spot charter tugs as

needed during major storms and other high risk periods to protect maritime commerce and the environment anywhere in state waters.

The department shall not proceed with rule making related to emergency towing pursuant to chapter 88.46 RCW, so long as the deposit of the fee into the vessel response account under RCW 46.68.020(2) is continued and is appropriated for the purpose of the dedicated rescue tug.

During the 2015-2017 fiscal biennium, the legislature may transfer from the vessel response account to the environmental legacy stewardship account such amounts as reflect the excess fund balance of the account.

NEW SECTION. **Sec. 951.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 952.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House March 29, 2016.

Passed by the Senate March 29, 2016.

Approved by the Governor April 18, 2016, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 18, 2016.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 113 page 7, lines 24-25; 123(5); 126(38); 128, page 35, lines 16-19; 128(8); 128(10); 134, page 41, lines 29-32 and page 42, lines 6-7; 134(4); 206, page 90, lines 3-5; 207(9); 220(2)(h); 302(14); 308(22); 402, page 180, lines 22-25; 402(2); 612, page 265, lines 11-12; 901; 920; 921; 929; 935; and 939, Second Engrossed Substitute House Bill No. 2376 entitled:

"AN ACT Relating to fiscal matters."

Section 113, page 7, lines 24-25, Administrator for the Courts, Fiscal Year 2017 Appropriation Reduction Affecting Thurston County Court Funding

Certain types of court cases are required by statute to be filed in Thurston County. The Administrative Office of the Courts (AOC) provides funding to Thurston County to help offset the state impacts to the county's courts. The budget eliminates $811,000 allocated to AOC to reimburse the county for these state impacts. Vetoing the fiscal year 2017 supplemental appropriation in Section 113, lines 24 through 25, will restore $584,000 to the original fiscal year 2017 appropriation. For these reasons, I have vetoed Section 113, page 7, lines 24 through 25.

Section 123(5), page 20, State Auditor, WWAMI Medical School Study

Section 123(5) provides $600,000 for a study of the Washington, Wyoming, Alaska, Montana, and Idaho (WWAMI) medical school. Consistent with the underlying 2015-17 biennial budget, the Auditor's Office will perform the study within the original amounts appropriated. For this reason, I have vetoed Section 123(5).

Section 126(38), page 33, Department of Commerce, Incremental Energy
Funding is provided solely for the implementation of Engrossed Senate Bill No. 6166 (incremental energy). I vetoed this bill. For this reason, I have vetoed Section 126(38).

Section 128, page 35, lines 16-19, Office of Financial Management, Central Service Charges
The General Fund-State (GF-S) appropriations for the Office of Financial Management (OFM) are decreased to reflect the agency's budget, accounting, and forecasting functions being billed to state agencies as a central service charge. Charging agencies for these services could create the perception of unfairness, as agencies would likely receive services disproportionate to the amounts they would be charged. Agencies are provided GF-S appropriations to cover their share of the new OFM central service charge, but the change would negatively impact dedicated funds for which no new revenues are authorized. Vetoing changes to these appropriation line items does not fully restore the expenditure authority required for OFM to continue providing its current level of services. Therefore, OFM will bill agencies only for the difference between the original cost of providing these services and the amount of funding restored by the veto. For these reasons, I have vetoed Section 128, page 35, lines 16 through 19.

Section 128(8), pages 37-38, Office of Financial Management, Infrastructure Investment Strategy Workgroup
Section 128(8) directs OFM to convene a workgroup including local governments, state agencies, and legislators to develop a local government infrastructure investment strategy. A formal workgroup is not necessary to accomplish this task. For this reason, I have vetoed Section 128(8).

Section 128(10), pages 38-39, Office of Financial Management, Proposal for Pacific Tower
Section 128(10) directs OFM to work with the Department of Enterprise Services, Department of Commerce, and Office of the State Treasurer to develop a proposal for the purchase of the Pacific Tower. Preparing such a proposal will require significant legal and real estate professional services that are not funded in the budget. For this reason, I have vetoed Section 128(10).

Section 134, page 41, lines 29-32, and page 42, lines 6-7, Department of Revenue, Performance Audits of Government Account
These appropriations shift $10 million for Department of Revenue (DOR) audit functions from the state General Fund to the Performance Audits of Government Account. To preserve performance audit functions of the State Auditor's Office at their anticipated activity levels for the current biennium, I am vetoing the appropriation from the Performance Audits of Government Account in this section. To preserve audit functions at DOR, I am also vetoing supplemental changes to the agency's General Fund-State appropriations. While I am vetoing Section 134, page 41 lines 29 through 32, I am directing DOR to place excess state General Fund appropriations as a result of this veto in unallotted status in an amount to be determined by the Office of Financial Management. For these reasons, I have vetoed Section 134, page 41 lines 29 through 32 and page 42 lines 6 through 7.

Section 134(4), page 42, Department of Revenue, Waiver of Penalties on Unpaid Royalty Tax
This proviso authorizes the Department of Revenue (DOR) to waive unpaid penalties for outstanding Business and Occupation tax on royalty income. Under current law, DOR already has the authority to waive unpaid penalties. Therefore, this proviso is unnecessary. For this reason, I have vetoed Section 134(4).

Section 206, page 90, lines 3-5, Department of Social and Health Services, Aging and Adult Services
These two appropriations are identified as federal; however, no federal dollars are received into these accounts. The Assisted Living Facility Temporary Management Account and Adult Family Home Account are created in statute as not requiring an appropriation; therefore, the department can spend revenue received into the accounts upon approval of an allotment. For these reasons, I have vetoed Section 206, page 90, lines 3 through 5.

Section 207(9), page 104, Department of Social and Health Services, Economic Services Administration
Funding is provided solely for the implementation of Senate Bill No. 6499 (electronic child support payments). The bill was not enacted. For this reason, I have vetoed Section 207(9).

Section 220(2)(h), page 150, Department of Corrections, Correctional Operations
Funding is provided solely for the implementation of Second Substitute Senate Bill No. 5105 (felony DUI). The bill was not enacted. For this reason, I have vetoed Section 220(2)(h).

Section 302(14), page 161, Department of Ecology, Rain Gauges
This proviso requires the Department of Ecology to transfer responsibility for ongoing operation and maintenance of the rain gauge network in Okanogan County to the Okanogan Conservation District. The Okanogan Conservation District has neither the funding nor expertise needed to operate the network reliably. For this reason, I have vetoed Section 302(14). However, I have directed the Department of Ecology and the State Conservation Commission to work with local authorities in Okanogan County to provide funding, including local funding, to continue network operations to ensure public safety.

Section 308(22), page 175, Department of Natural Resources, Natural Area Preserves
This proviso prohibits the Department of Natural Resources from using any appropriation in this section for activities related to increasing the amount of land managed by the department as natural area preserves. The department has several existing capital projects to expand natural area preserves, and this proviso inhibits its ability to move forward with those projects. For these reasons, I have vetoed Section 308(22).

Section 402, page 180, lines 22-25 and Section 402(2), page 181; Washington State Patrol, Fire Service Training Account
These provisions authorize the use of $1.611 million from the Fire Service Training Account for fire mobilization costs. This account has never been used for fire mobilizations. Its primary purpose is to pay for firefighter training and is

used mainly by local government fire agencies. For this reason, I have vetoed Section 402, page 180, lines 22 through 25 and Section 402(2).

Section 612, page 265, lines 11-12, Department of Early Learning, General Fund-State Appropriation (FY16)

This section decreases the General Fund-State appropriation for the Department of Early Learning in fiscal year 2016. This includes a significant reduction in full time employees which cannot be realized within the next two months. Decreased funding may prevent the Department from maintaining and advancing my Healthiest Next Generation initiative to increase coordination of comprehensive health services between state agencies and to improve nutrition and physical activity for young children in early learning settings. Reduced funding also will prevent the Department of Early Learning from investing resources in fraud prevention and meeting new child care provider monitoring requirements of the Child Care and Development Block Grant Reauthorization Act of 2014. For these reasons, I have vetoed Section 612, page 265, lines 11 through 12.

Section 901, page 293, Agency, Collective Bargaining Agreement—Coalition of Unions

This section rejects funding a Memorandum of Understanding with the Union of Physicians of Washington and directs the terms for an alternative if an agreement is reached by June 30, 2016. This is not in keeping with the state's collective bargaining law, RCW 41.80.010, that specifies the process to be used if the Legislature does not approve funding a tentative agreement. Collective bargaining will proceed in accordance with statutory requirements. For this reason, I have vetoed Section 901.

Section 920, pages 305-307, Fire Insurance Premium Tax

This section limits the distribution of fire insurance premium tax to local governments and requires reports and audits of information about local governments' firefighters' pension funds. Changes in the distribution of this tax should follow, rather than precede, collection of this information and review of potential changes in distribution. For this reason, I have vetoed Section 920. I encourage the affected local governments to provide the information specified in this section and direct the Department of Revenue and the Department of Retirement Systems to review the information submitted.

Section 921, pages 307-308, Law Enforcement Officers' and Firefighters' Retirement System (LEOFF), Distribution in 2017

Section 921 declares the Legislature's intent to fund a 2017 distribution to the Local Law Enforcement Officers' and Firefighters' Retirement System Benefits Improvement Account through "alternate means" which may include transfers from the LEOFF 2 pension fund itself. I vetoed similar language in the 2015-17 biennial budget because I believe that this is not an appropriate use of a pension fund. While I signed the actual transfer language at that time, I indicated that this should be a one-time event to avoid weakening the pension fund. I continue to think that this is unwise, particularly when used to help balance the budget over four years. For these reasons, I have vetoed Section 921.

Section 929, pages 318-319, Fire Services Training Account

This section authorizes use of the Fire Services Training Account for fire mobilization cost of the Washington State Patrol. Because I have vetoed Section 402, page 180, lines 22 through 25 and Section 402(2), this authority is unnecessary. For this reason, I have vetoed Section 929.

Section 935, page 323, Public Works Assistance Account
This section provides a statement of intent that the Legislature will not authorize new loans for public works from the Public Works Assistant Account in the 2017-19 biennium. Use of funding in the account next biennium is a decision for the next Legislature. In addition, there is a clear need for future public infrastructure improvement throughout the state. For these reasons, I have vetoed Section 935.

Section 939, pages 325-326, Parking Enforcement
This section amends current law to authorize the Department of Enterprise Services to contract with the City of Olympia to enforce parking on the Capital campus. This amendment changes substantive law related to parking violations and enforcement, which is more appropriate for a policy bill. For this reason, I have vetoed Section 939.

For these reasons I have vetoed Sections 113 page 7, lines 24-25; 123(5); 126(38); 128, page 35, lines 16-19; 128(8); 128(10); 134, page 41, lines 29-32 and page 42, lines 6-7; 134(4); 206, page 90, lines 3-5; 207(9); 220(2)(h); 302(14); 308(22); 402, page 180, lines 22-25; 402(2); 612, page 265, lines 11-12; 901; 920; 921; 929; 935; and 939 of Second Engrossed Substitute House Bill No. 2376.

With the exception of Sections 113 page 7, lines 24-25; 123(5); 126(38); 128, page 35, lines 16-19; 128(8); 128(10); 134, page 41, lines 29-32 and page 42, lines 6-7; 134(4); 206, page 90, lines 3-5; 207(9); 220(2)(h); 302(14); 308(22); 402, page 180, lines 22-25; 402(2); 612, page 265, lines 11-12; 901; 920; 921; 929; 935; and 939, Second Engrossed Substitute House Bill No. 2376 is approved."

CHAPTER 37

[Engrossed Substitute Senate Bill 6656]

MENTAL HEALTH--STATE HOSPITAL SYSTEM--REFORM

AN ACT Relating to the reform of practices at state hospitals; amending RCW 71.05.365; adding new sections to chapter 71.24 RCW; adding a new chapter to Title 72 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 71.24 RCW to read as follows:

The legislature finds that the growing demand for state hospital beds has strained the state's capacity to meet the demand while providing for a sufficient workforce to operate the state hospitals safely. It is the intent of the legislature that the executive and legislative branches work collaboratively to maximize access to, safety of, and the therapeutic role of the state hospitals to best serve patients while ensuring the safety of patients and employees.

*__NEW SECTION.__ Sec. 2. A new section is added to chapter 71.24 RCW to read as follows:

(1) The legislature intends to explore the option of changing the current financing structure and financial incentives for state hospital civil bed utilization by providing behavioral health organizations and full integration entities under RCW 71.24.380 with the state funds necessary to purchase a number of days of care at a state hospital equivalent to the current allocation model, instead of providing state hospital bed allocations under RCW 71.24.310. Such funds would be available to purchase state hospital beds or for alternative uses such as to purchase beds in other locations, to invest in community services, and to invest in diversion from inpatient care. Behavioral health organizations and equivalent entities in full integration regions would be placed at risk for state hospital civil utilization for patients within their catchment areas, while receiving the means and opportunity to apply any savings resulting from reduced state hospital utilization directly to the service of clients in the community. This policy option is intended to incentivize behavioral health organizations and entities in full integration regions to increase their utilization management efforts, develop additional capacity for hospital diversion, and increase their capacity to safely serve complex clients in the community.

(2) To further these ends, the department must develop a detailed transition plan in collaboration with its actuarial consultant and the external consultant to examine the current configuration and financing of state hospitals under section 5 of this act and with the regular input of behavioral health organizations, full integration regions, and other stakeholders. The transition plan shall include but not be limited to consideration of the following:

(a) A methodology for division of the current state hospital beds between each of the behavioral health organizations and full integration regions. The methodology must consider two options: (i) A method which allocates the resources supporting state hospital bed utilization solely among behavioral health organizations and full integration regions; and (ii) a method which allocates a portion of the resources supporting state hospital bed utilization among behavioral health organizations and full integration regions, and the remainder to the state long-term care and developmental disabilities systems. The portion allocated to the state long-term care and developmental disability systems must correspond to state hospital bed utilization by patients whose primary community care needs after discharge will be funded by the state long-term care or developmental disability system, based on client history or a functional needs assessment, and include payment responsibility for the state hospital utilization by these patients;

(b) Development of payment rates for state hospital utilization that reflect financing, safety, and accreditation needs under the new system and ensure that necessary access to state hospital beds is maintained for behavioral health organizations and full integration regions;

(c) Maximizing federal participation for treatment and preserving access to funds through the disproportionate share hospital program under either methodology described under (a) of this subsection;

(d) Billing and reimbursement mechanisms;

(e) Discharge planning procedures that must be adapted to account for functional needs assessments upon admission;

(f) Identification of regional differences and challenges for implementation in different regional service areas;

(g) A means of tracking expenditures related to successful reductions of state hospital utilization by regional service areas and means to assure that the funds necessary to safely maintain gains in utilization reduction are protected;

(h) Recommendations for the timing of implementation including exploration of options for transition to full implementation through the use of smaller-scale pilots allowing for the creation of alternative placements outside the state hospitals such as step-down or transitional placements;

(i) The potential for adverse impacts on safety and a description of available methods to mitigate any risks for patients, behavioral health organizations, full integration regions, and the community; and

(j) An explanation of the benefits and disadvantages associated with the alternative methodologies described in (a) of this subsection.

(3) A preliminary draft of the transition plan must be submitted to the relevant committees of the legislature by November 15, 2016, for review by the select committee on quality improvement in state hospitals. The department shall consider the input of the committee and external stakeholders before submitting a final transition plan by December 30, 2016.

****Sec. 2 was vetoed. See message at end of chapter.***

NEW SECTION. **Sec. 3.** (1) A select committee on quality improvement in state hospitals is established, composed of the following members:

(a) Four members of the senate, appointed by the president of the senate, consisting of the chairs and ranking members of the committee on health care and the committee on human services, mental health and housing, or their successor committees;

(b) Four members of the house of representatives, appointed by the speaker of the house of representatives, consisting of the chair and ranking members of the committee on health care and wellness and the committee on judiciary, or their successor committees;

(c) One member, appointed by the governor, representing the office of financial management; and

(d) Two nonvoting members, appointed by the governor, consisting of the secretary of the department of social and health services or a designee and the director of the department of labor and industries or a designee.

(2) The committee shall have two cochairs elected by the membership of the committee.

(3) The governor or a designee shall convene the initial meeting of the committee.

(4) Meetings of the committee shall be open to the public and shall provide an opportunity for public comment.

(5) Primary staff support for the committee must be provided by the office of financial management. Additional staff support may be provided by the office of program research and senate committee services.

(6) The committee shall meet, at a minimum, on a quarterly basis beginning April 2016, or as determined necessary by the committee cochairs.

(7) State agency representatives shall respond in a timely manner to data requests from the cochairs relating to the work of the committee.

(8) Legislative members of the committee must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

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

NEW SECTION. **Sec. 4.** The committee shall receive updates, monitor, and make recommendations to the governor, the office of financial management, and the legislature in the following areas, with respect to the state hospitals:

(1) Planning related to the appropriate role of the state hospitals in the state's mental health system, as well as state hospital structure, financing, staff composition, and workforce development needs to improve the quality of care, patient outcomes, safety, and operations of the state hospitals;

(2) Recommendations for the use of funds from the governor's behavioral health innovation fund created in section 6 of this act, taking into consideration the information and recommendations provided by the consultants identified in section 5 of this act and the quarterly implementation progress reports provided in section 8 of this act;

(3) Monitoring of process and outcome measures regarding the implementation of policies and appropriations passed by the legislature; and

(4) Reviewing findings by the department of health regarding the results of its survey of the state hospitals and the department of labor and industries concerning the safety of the state hospitals and compliance with follow-up recommendations for corrective action. These agencies shall report to the committee quarterly or as requested by the committee.

NEW SECTION. **Sec. 5.** (1) Long-term planning for the state hospitals and recommendations for the use of funds from the governor's behavioral health innovation fund created in section 6 of this act must be informed by the use of consultants who shall make recommendations to the governor, the legislature, and the committee by October 1, 2016. The committee shall review the selection of consultants and provide input into the prioritization of tasks.

(2) The office of financial management must contract for the services of an external consultant who will examine the current configuration and financing of the state hospital system. This consultant shall:

(a) Work with the department of social and health services to produce the detailed transition plan described in section 2 of this act;

(b) Work with the state hospitals, local governments, community hospitals, mental health providers, substance use disorder treatment providers, other providers, and behavioral health organizations to identify options and make recommendations related to:

(i) Identification of which populations are appropriately served at the state hospitals;

(ii) Identification of barriers to timely admission to the state hospitals of individuals who have been court ordered to ninety or one hundred eighty days of treatment under RCW 71.05.320;

(iii) Utilization of interventions to prevent or reduce psychiatric hospitalization;

(iv) Benefits and costs of developing and implementing step-down and transitional placements for state hospital patients;

(v) Whether discharges of patients take into consideration whether it is appropriate for the patient to return to the patient's original community considering the location of family and other natural supports, the availability of appropriate services, and the desires of the patients. The consultant must report whether the lack of resources in a patient's home community is a significant factor that causes barriers to discharge or frequently results in relocation of patients outside their home communities for posthospital care;

(vi) Optimization of continuity of care with community providers, including but not limited to coordination with any community behavioral health provider or evaluation and treatment facility that has treated the patient immediately prior to state hospital admission, and any provider that will serve the patient upon discharge from the state hospital;

(vii) Reduction of barriers to discharge, including options to:

(A) Ensure discharge planning begins at admission;

(B) Offer co-occurring substance use disorder treatment services at the state hospitals;

(C) Clarify and hold accountable state hospitals and behavioral health organizations for their respective roles in the discharge planning process, including development of community diversion and transition options;

(D) Include contract performance measures related to timely discharge planning in behavioral health organization contracts;

(E) Improve state monitoring and oversight of behavioral health organizations in their contracted responsibilities for developing an adequate network to meet the needs of their communities;

(F) Incentivize the use of community resources when clinically appropriate; and

(G) Expedite discharge for individuals who are the responsibility of the long-term care or developmental disability systems, or who are not covered by medicaid, and assure financial responsibility to appropriate systems, including the potential necessity of other state-run facilities;

(viii) Planning for the long-term integration of physical and behavioral health services, including strategies for assessing risk for the utilization of state hospital beds to health plans contracted to provide the full range of physical and behavioral health services; and

(ix) Identification of the potential costs, benefits, and impacts associated with dividing one or both of the state hospitals into discrete hospitals to serve civil and forensic patients in separate facilities.

(3) The department of social and health services shall contract for the services of an academic or independent state hospitals psychiatric clinical care model consultant to examine the clinical role of staffing at the state hospitals.

(a) The consultant's analysis must include an examination of:

(i) The clinical models of care;

(ii) Current staffing models and recommended updates to the staffing model created under section 9(1) of this act;

(iii) Barriers to recruitment and retention of staff;

(iv) Creating a sustainable culture of wellness and recovery;

(v) Increasing responsiveness to patient needs;

(vi) Reducing wards to an appropriate size;

(vii) The use of interdisciplinary health care teams;

(viii) The appropriate staffing model and staffing mix to achieve optimal treatment outcomes considering patient acuity; and

(ix) Recommended practices to increase safety for staff and patients.

(b) To the extent that funding is appropriated for this purpose and necessary modification to labor practices are completed, the consultant shall assist the department of social and health services with implementation of recommended changes.

(4) The consultant services in this section shall be acquired with funds appropriated for this purpose and the contracts are exempt from the competitive solicitation requirements in RCW 39.26.125.

NEW SECTION. **Sec. 6.** The governor's behavioral health innovation fund is hereby created in the state treasury. Moneys in the fund may be spent only after appropriation. Only the director of financial management or the director's designee may authorize expenditures from the fund. Moneys in the fund are provided solely to improve quality of care, patient outcomes, patient and staff safety, and the efficiency of operations at the state hospitals.

***NEW SECTION.** Sec. 7. (1) The department of social and health services may apply to the office of financial management to receive funds from the governor's behavioral health innovation fund.*

(2) The application must include proposals to increase the overall function of the state hospital system in one or more of the following categories:

(a) Instituting fund-shift pilot initiatives through contracts with behavioral health organizations or long-term care providers providing enhanced behavioral supports to move certain state hospital patients to alternative placements outside of the state hospital, contingent on federal funding. Proposals must include quality outcome measures and acuity-based staffing models of interdisciplinary teams designed for optimal treatment outcomes;

(b) Developing and utilizing step-down and transitional placements for state hospital patients;

(c) Improving staff retention and recruiting;

(d) Increasing capacity and instituting other measures to reduce backlogs and wait lists in both the civil and forensic systems;

(e) Increasing stability and predictability in the state hospitals' operating costs and budgets;

(f) Making necessary practice and staffing changes, subject to collective bargaining;

(g) Improving safety for patients and staff;

(h) Increasing staff training;

(i) Improving the therapeutic environment; and

(j) Improving the provision of forensic mental health services.

(3) Application proposals must be based on the use of evidence-based practices, promising practices, or approaches that otherwise demonstrate quantifiable, positive results.

(4) Moneys from the governor's behavioral health innovation fund may not be used for compensation increases within the state hospitals.

(5) The office of financial management must consider input from the committee when awarding funding.

****Sec. 7 was vetoed. See message at end of chapter.***

NEW SECTION. **Sec. 8.** The department of social and health services must provide quarterly implementation progress reports to the committee and the office of financial management that include at a minimum:

(1) The status of completing key activities, critical milestones, and deliverables over the prior period;

(2) Identification of specific barriers to completion of key activities, critical milestones, and deliverables and strategies that will be used for addressing these challenges;

(3) The most recent quarterly data on all performance measures and outcomes for which data is currently being collected, as well as any additional data requested by the committee; and

(4) The status of the adoption and implementation of the policies identified in section 9 of this act.

****NEW SECTION. Sec. 9. The department of social and health services must assure that the state hospitals adopt and implement the following policies, subject to the availability of appropriated funding, and shall include information regarding the status of the adoption and implementation of these policies in its quarterly reports required under section 8 of this act:***

(1) A standardized acuity-based staffing model employed at both facilities that recognizes the staffing level required based upon the type of patients served, the differences and constraints of the physical plant across hospitals and wards, and the full scope of practice of all credentialed health care providers, and that identifies the incorporation of these health care providers practicing to the maximum extent of their credential in interdisciplinary teams. The model shall recognize a role for advanced registered nurse practitioners and physician assistants to utilize the full scope of their practice as provided under section 12 of this act;

(2) A strategy with measurable, articulated steps for reducing the unnecessary utilization of state hospital beds and minimizing readmissions to evaluation and treatment facilities for state hospital patients;

(3) A program of appropriate safety training for state hospital staff;

(4) A plan to fully use appropriated funding for enhanced service facilities and other specialized community resources for placement of state hospital patients with conditions such as dementia, traumatic brain injury, or complex medical and physical needs requiring placement in a facility which offers significant assistance with activities of daily living; and

(5) A process for appeal to the secretary of the department of social and health services or the secretary's designee within fourteen days in cases where a behavioral health organization, other entities under RCW 71.24.380, or the

state agency division responsible for the community care needs of the patient and the state hospital treatment team are unable to reach a mutually agreed upon discharge plan for patients who are considered by either party to be ready for discharge. This process shall ensure consideration of risk factors for readmission.

****Sec. 9 was vetoed. See message at end of chapter.***

NEW SECTION. **Sec. 10.** For purposes of this chapter:

(1) "Behavioral health organization" has the same meaning as in RCW 71.24.025 and includes any managed care organization that has contracted with the state to provide fully integrated behavioral health and physical health services for medicaid clients.

(2) "Committee" means the select committee on quality improvement in state hospitals created in section 3 of this act.

(3) "State hospitals" include western state hospital and eastern state hospital as designated in RCW 72.23.020.

NEW SECTION. **Sec. 11.** (1) The legislature finds that there are currently patients with long-term care needs at western state hospital who are ready for discharge and could safely be served in community settings if alternative placements are made available.

(2) The department of social and health services must identify discharge and diversion opportunities for patients needing long-term care to reduce the demand for thirty beds currently being used for this population. A twenty bed reduction must be realized by July 1, 2016, with a utilization reduction of ten additional beds by January 1, 2017. The resources being used to serve these beds must be reinvested within the state hospital budget in order to achieve patient and staff safety improvement goals.

(3) The department of social and health services must provide a progress report to the governor and relevant committees of the legislature by December 1, 2016, and a final report by August 1, 2017, describing outcomes for these patients through June 30, 2017.

****NEW SECTION. Sec. 12. (1) The legislature finds that the potential uses of psychiatric advanced registered nurse practitioners and physician assistants in institutional settings at the top of their scope of practice are currently being underutilized by the state hospitals.***

(2) The office of financial management must create a job class series for psychiatric advanced registered nurse practitioners and a job class series for physician assistants that allows these professionals to practice at the top of their scope of practice at state hospitals. In conjunction and conformance with the staffing analysis described in section 9(1) of this act, the state hospitals shall increase the employment of professionals operating under these new classifications in a manner that allows the state hospitals to reduce their reliance on psychiatrist positions, which the state hospitals are currently unable to fill. The state hospitals must consider the role of these professionals in supervising or directing the work of other treatment team members.

(3) Nothing in this section should be construed to require the state to violate any collective bargaining agreements in place prior to the effective date of this section. Agreements negotiated or renegotiated after the effective date

of this section must be consistent with the expanded use of advanced registered nurse practitioners and physician assistants required by this section.

****Sec. 12 was vetoed. See message at end of chapter.***

NEW SECTION. **Sec. 13.** To the extent that any of the timelines in this act are not achievable due to conflicts with other hospital improvement timelines set by federal or state regulatory bodies, the department of social and health services may seek a reasonable extension from the select committee.

NEW SECTION. **Sec. 14.** This chapter expires July 1, 2019.

Sec. 15. RCW 71.05.365 and 2014 c 225 s 85 are each amended to read as follows:

When a person has been involuntarily committed for treatment to a hospital for a period of ninety or one hundred eighty days, and the superintendent or professional person in charge of the hospital determines that the person no longer requires active psychiatric treatment at an inpatient level of care, the behavioral health organization, full integration entity under RCW 71.24.380, or agency providing oversight of long-term care or developmental disability services that is responsible for resource management services for the person must work with the hospital to develop an individualized discharge plan and arrange for a transition to the community in accordance with the person's individualized discharge plan within ((~~twenty-one~~)) fourteen days of the determination.

NEW SECTION. **Sec. 16.** Section 15 of this act takes effect July 1, 2018.

NEW SECTION. **Sec. 17.** Sections 3 through 14 of this act constitute a new chapter in Title 72 RCW.

NEW SECTION. **Sec. 18.** (1) Sections 3 through 8 and 10 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

(2) Section 9 of this act takes effect July 1, 2016.

Passed by the Senate March 29, 2016.

Passed by the House March 29, 2016.

Approved by the Governor April 19, 2016, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 19, 2016.

Note: Governor's explanation of partial veto is as follows:

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

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

Section 2 refers to the creation of a transition plan for changing the current financing structure for civil bed utilization. While I agree a transition plan is needed, I would prefer to use the consultant's recommendations to inform the development of the plan. The consultant is funded in the Office of Financial Management's (OFM) budget. I will charge OFM to work with the Department of Social and Health Services (DSHS) and the consultant to address the

requirements of this section and report back to me and the Select Committee on Quality Improvement in State Hospitals by November 2016.

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

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

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

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

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

CHAPTER 38

[Engrossed Substitute Senate Bill 6328]

VAPOR PRODUCTS

AN ACT Relating to youth vapor product substance use prevention, and vapor product regulation, without permitting a tax on the sale or production of vapor products; amending RCW 26.28.080, 70.155.120, 82.24.530, 70.155.100, 82.26.170, and 66.08.145; adding a new section to chapter 70.155 RCW; adding a new chapter to Title 70 RCW; prescribing penalties; providing a contingent effective date; and providing a contingent expiration date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 26.28.080 and 2013 c 47 s 1 are each amended to read as follows:

(1) Every person who sells or gives, or permits to be sold or given, to any person under the age of eighteen years any cigar, cigarette, cigarette paper or wrapper, tobacco in any form, or a vapor product is guilty of a gross misdemeanor.

(2) It ((~~shall be no~~)) is not a defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

(3) For the purposes of this section, "vapor product" ((~~means a noncombustible tobacco-derived product containing nicotine that employs a mechanical heating element, battery, or circuit, regardless of shape or size, that can be used to heat a liquid nicotine solution contained in cartridges. Vapor product does not include any product that is regulated by the United States food and drug administration under chapter V of the federal food, drug, and cosmetic~~)) has the same meaning as provided in section 4 of this act.

Sec. 2. RCW 70.155.120 and 1993 c 507 s 13 are each amended to read as follows:

(1) The youth tobacco and vapor products prevention account is created in the state treasury. All fees collected pursuant to RCW 82.24.520 ((~~and~~)), 82.24.530, 82.26.160, and 82.26.170 and funds collected by the liquor ((~~control~~)) and cannabis board from the imposition of monetary penalties ((~~and samplers' fees~~)) shall be deposited into this account, except that ten percent of all such fees and penalties shall be deposited in the state general fund.

(2) Moneys appropriated from the youth tobacco and vapor products prevention account to the department of health shall be used by the department of health for implementation of this chapter, including collection and reporting of data regarding enforcement and the extent to which access to tobacco products and vapor products by youth has been reduced.

(3) The department of health shall enter into interagency agreements with the liquor ((~~control~~)) and cannabis board to pay the costs incurred, up to thirty percent of available funds, in carrying out its enforcement responsibilities under this chapter. Such agreements shall set forth standards of enforcement, consistent with the funding available, so as to reduce the extent to which tobacco products and vapor products are available to individuals under the age of eighteen. The agreements shall also set forth requirements for data reporting by the liquor ((~~control~~)) and cannabis board regarding its enforcement activities.

(4) The department of health, the liquor and cannabis board, and the department of revenue shall enter into an interagency agreement for payment of the cost of administering the tobacco retailer licensing system and for the provision of quarterly documentation of tobacco wholesaler, retailer, and vending machine names and locations.

(5) The department of health shall, within up to seventy percent of available funds, provide grants to local health departments or other local community agencies to develop and implement coordinated tobacco and vapor product intervention strategies to prevent and reduce tobacco and vapor product use by youth.

NEW SECTION. **Sec. 3.** PREEMPTION. (1) This chapter preempts political subdivisions from adopting or enforcing requirements for the licensure and regulation of vapor product promotions and sales at retail. No political subdivision may impose fees or license requirements on retail outlets for possessing or selling vapor products, other than general business taxes or license fees not primarily levied on such products.

(2) No political subdivision may regulate the use of vapor products in outdoor public places, unless the public place is an area where children congregate, such as schools, playgrounds, and parks.

(3) Subject to section 21 of this act, political subdivisions may regulate the use of vapor products in indoor public places.

NEW SECTION. **Sec. 4.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

(2) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing vapor products in this state.

(3) "Child care facility" has the same meaning as provided in RCW 70.140.020.

(4) "Closed system nicotine container" means a sealed, prefilled, and disposable container of nicotine in a solution or other form in which such container is inserted directly into an electronic cigarette, electronic nicotine delivery system, or other similar product, if the nicotine in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.

(5) "Delivery sale" means any sale of a vapor product to a purchaser in this state where either:

(a) The purchaser submits the order for such sale by means of a telephonic or other method of voice transmission, the mails or any other delivery service, or the internet or other online service; or

(b) The vapor product is delivered by use of the mails or of a delivery service. The foregoing sales of vapor products constitute a delivery sale regardless of whether the seller is located within or without this state. "Delivery sale" does not include a sale of any vapor product not for personal consumption to a retailer.

(6) "Delivery seller" means a person who makes delivery sales.

(7) "Distributor" means any person who:

(a) Sells vapor products to persons other than ultimate consumers; or

(b) Is engaged in the business of selling vapor products in this state and who brings, or causes to be brought, into this state from outside of the state any vapor products for sale.

(8) "Liquid nicotine container" means a package from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer and that is used to hold soluble nicotine in any concentration. "Liquid nicotine container" does not include closed system nicotine containers.

(9) "Manufacturer" means a person who manufactures and sells vapor products.

(10) "Minor" refers to an individual who is less than eighteen years old.

(11) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

(12) "Place of business" means any place where vapor products are sold or where vapor products are manufactured, stored, or kept for the purpose of sale.

(13) "Playground" means any public improved area designed, equipped, and set aside for play of six or more children which is not intended for use as an

athletic playing field or athletic court, including but not limited to any play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures.

(14) "Retail outlet" means each place of business from which vapor products are sold to consumers.

(15) "Retailer" means any person engaged in the business of selling vapor products to ultimate consumers.

(16)(a) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person.

(b) The term "sale" includes a gift by a person engaged in the business of selling vapor products, for advertising, promoting, or as a means of evading the provisions of this chapter.

(17) "School" has the same meaning as provided in RCW 70.140.020.

(18) "Self-service display" means a display that contains vapor products and is located in an area that is openly accessible to customers and from which customers can readily access such products without the assistance of a salesperson. A display case that holds vapor products behind locked doors does not constitute a self-service display.

(19) "Vapor product" means any noncombustible product that may contain nicotine and that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from a solution or other substance.

(a) "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container that may contain nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

(b) "Vapor product" does not include any product that meets the definition of marijuana, useable marijuana, marijuana concentrates, marijuana-infused products, cigarette, or tobacco products.

(c) For purposes of this subsection (19), "marijuana," "useable marijuana," "marijuana concentrates," and "marijuana-infused products" have the same meaning as provided in RCW 69.50.101.

NEW SECTION. **Sec. 5.** VAPOR PRODUCTS LICENSES. (1) The licenses issuable by the board under this chapter are as follows:

(a) A vapor product retailer's license;

(b) A vapor product distributor's license; and

(c) A vapor product delivery sale license.

(2) Application for the licenses must be made through the business licensing system under chapter 19.02 RCW. The board may adopt rules regarding the regulation of the licenses. The board may refuse to issue any license under this chapter if the board has reasonable cause to believe that the applicant has willfully withheld information requested for the purpose of determining the eligibility of the applicant to receive a license, or if the board has reasonable cause to believe that information submitted in the application is false or misleading or is not made in good faith. In addition, for the purpose of reviewing an application for a distributor's license, retailer's license, or delivery seller's license, and for considering the denial, suspension, or revocation of any such

license, the board may consider criminal conduct of the applicant, including an administrative violation history record with the board and a criminal history record information check within the previous five years, in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions, and the provisions of RCW 9.95.240 and chapter 9.96A RCW do not apply to such cases. The board may, in its discretion, issue or refuse to issue the retailer's license, distributor's license, and delivery sale license subject to the provisions of RCW 70.155.100.

(3) The application processes for the retailer license and the distributor license, and any forms used for such processes, must allow the applicant to simultaneously apply for a delivery sale license without requiring the applicant to undergo a separate licensing application process in order to be licensed to conduct delivery sales. However, a delivery sale license obtained in conjunction with a retailer or distributor license under this subsection remains a separate license subject to the delivery sale licensing fee established under this chapter.

(4) No person may qualify for a retailer's license, distributor's license, or delivery sale license under this section without first undergoing a criminal background check. The background check must be performed by the board and must disclose any criminal conduct within the previous five years in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions. If the applicant or licensee also has a license issued under chapter 66.24, 69.50, 82.24, or 82.26 RCW, the background check done under the authority of chapter 66.24, 69.50, 82.24, or 82.26 RCW satisfies the requirements of this subsection.

(5) Each license issued under this chapter expires on the business license expiration date. The license must be continued annually if the licensee has paid the required fee and complied with all the provisions of this chapter and the rules of the board adopted pursuant to this chapter.

(6) Each license and any other evidence of the license required under this chapter must be exhibited in each place of business for which it is issued and in the manner required for the display of a business license.

NEW SECTION. **Sec. 6.** LICENSING REQUIRED. (1)(a) No person may engage in or conduct business as a retailer, distributor, or delivery seller in this state without a valid license issued under this chapter, except as otherwise provided by law. Any person who sells vapor products to ultimate consumers by a means other than delivery sales must obtain a retailer's license under this chapter. Any person who sells vapor products to persons other than ultimate consumers or who meets the definition of distributor under this chapter must obtain a distributor's license under this chapter. Any person who conducts delivery sales of vapor products must obtain a delivery sale license.

(b) A violation of this subsection is punishable as a class C felony according to chapter 9A.20 RCW.

(2) No person engaged in or conducting business as a retailer, distributor, or delivery seller in this state may refuse to allow the enforcement officers of the board, on demand, to make full inspection of any place of business or vehicle where any of the vapor products regulated under this chapter are sold, stored, transported, or handled, or otherwise hinder or prevent such inspection. A person who violates this subsection is guilty of a gross misdemeanor.

(3) Any person licensed under this chapter as a distributor, any person licensed under this chapter as a retailer, and any person licensed under this

chapter as a delivery seller may not operate in any other capacity unless the additional appropriate license is first secured, except as otherwise provided by law. A violation of this subsection is a misdemeanor.

(4) No person engaged in or conducting business as a retailer, distributor, or delivery seller in this state may sell or give, or permit to sell or give, a product that contains any amount of any cannabinoid, synthetic cannabinoid, cathinone, or methcathinone, unless otherwise provided by law. A violation of this subsection (4) is punishable according to RCW 69.50.401.

(5) The penalties provided in this section are in addition to any other penalties provided by law for violating the provisions of this chapter or the rules adopted under this chapter.

NEW SECTION. **Sec. 7.** DISTRIBUTOR LICENSING FEE. A fee of one hundred fifty dollars must accompany each vapor product distributor's license application or license renewal application under section 5 of this act. If a distributor sells or intends to sell vapor products at two or more places of business, whether established or temporary, a separate license with a license fee of one hundred dollars is required for each additional place of business.

NEW SECTION. **Sec. 8.** RETAILER LICENSING FEE. (1) A fee of one hundred seventy-five dollars must accompany each vapor product retailer's license application or license renewal application under section 5 of this act. A separate license is required for each separate location at which the retailer operates.

(2) A retailer applying for, or renewing, both a vapor products retailer's license under section 5 of this act and retailer's license under RCW 82.24.510 may pay a combined application fee of two hundred fifty dollars for both licenses.

Sec. 9. RCW 82.24.530 and 2012 2nd sp.s. c 4 s 12 are each amended to read as follows:

(1) A fee of ((~~ninety-three~~)) one hundred seventy-five dollars must accompany each retailer's license application or license renewal application. A separate license is required for each separate location at which the retailer operates. A fee of thirty additional dollars for each vending machine must accompany each application or renewal for a license issued to a retail dealer operating a cigarette vending machine. An additional fee of ninety-three dollars ((~~shall~~)) must accompany each application or renewal for a license issued to a retail dealer operating a cigarette-making machine.

(2) A retailer applying for, or renewing, both a retailer's license under RCW 82.24.510 and a vapor products retailer's license under section 5 of this act may pay a combined application fee of two hundred fifty dollars for both licenses.

NEW SECTION. **Sec. 10.** DELIVERY SALE LICENSING FEE. A fee of two hundred fifty dollars must accompany each vapor product delivery sale license application or license renewal application under section 5 of this act.

NEW SECTION. **Sec. 11.** ENFORCEMENT—LICENSE SUSPENSION, REVOCATION. (1) The board, or its enforcement officers, has the authority to enforce provisions of this chapter.

(2) The board may revoke or suspend a retailer's, distributor's, or delivery seller's license issued under this chapter upon sufficient cause showing a violation of this chapter.

(3) A license may not be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by the board.

(4) Any retailer's licenses issued under chapter 82.24 or 82.26 RCW to a person whose vapor product retailer's license or licenses have been suspended or revoked for violating RCW 26.28.080 must also be suspended or revoked during the period of suspension or revocation under this section.

(5) Any person whose license or licenses have been revoked under this section may reapply to the board at the expiration of two years of the license or licenses, unless the license was revoked pursuant to section 22(2)(e) of this act. The license or licenses may be approved by the board if it appears to the satisfaction of the board that the licensee will comply with the provisions of this chapter.

(6) A person whose license has been suspended or revoked may not sell vapor products or permit vapor products to be sold during the period of suspension or revocation on the premises occupied by the person or upon other premises controlled by the person or others or in any other manner or form.

(7) Any determination and order by the board, and any order of suspension or revocation by the board of the license or licenses issued under this chapter, or refusal to reinstate a license or licenses after revocation is reviewable by an appeal to the superior court of Thurston county. The superior court must review the order or ruling of the board and may hear the matter de novo, having due regard to the provisions of this chapter and the duties imposed upon the board.

(8) If the board makes an initial decision to deny a license or renewal, or suspend or revoke a license, the applicant may request a hearing subject to the applicable provisions under Title 34 RCW.

NEW SECTION. **Sec. 12.** SIGNAGE. (1) Except as provided in subsection (2) of this section, a person who holds a retailer's license issued under this chapter must display a sign concerning the prohibition of vapor product sales to minors. Such sign must:

(a) Be posted so that it is clearly visible to anyone purchasing vapor products from the licensee;

(b) Be designed and produced by the department of health to read: "The sale of vapor products to persons under age eighteen is strictly prohibited by state law. If you are under age eighteen, you could be penalized for purchasing a vapor product; photo id required;" and

(c) Be provided free of charge by the department of health.

(2) For persons also licensed under RCW 82.24.510 or 82.26.150, the board may issue a sign to read: "The sale of tobacco or vapor products to persons under age eighteen is strictly prohibited by state law. If you are under age eighteen, you could be penalized for purchasing a tobacco or vapor product; photo id required," provided free of charge by the board.

(3) A person who holds a license issued under this chapter must display the license or a copy in a prominent location at the outlet for which the license is issued.

NEW SECTION. **Sec. 13.** LABELING REQUIREMENTS. (1) A manufacturer or distributor that sells, offers for sale, or distributes liquid nicotine containers shall label the vapor product with a: (a) Warning regarding the harmful effects of nicotine; (b) warning to keep the vapor product away from

children; (c) warning that vaping is illegal for those under the legal age to use the product; and (d) except as provided in subsection (2) of this section, the amount of nicotine in milligrams per milliliter of liquid along with the total volume of the liquid contents of the product expressed in milliliters.

(2) For closed system nicotine containers as defined in section 4 of this act, a manufacturer that sells, offers for sale, or distributes vapor products in this state must annually provide the department of health with a disclosure of the nicotine content of such vapor product based on measurement standards to be established by the department of health.

(3)(a) This section expires on the effective date of the final regulations issued by the United States food and drug administration or by any other federal agency, when such regulations mandate warning or advertisement requirements for vapor products.

(b) The board must provide notice of the expiration date of this section to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the board.

NEW SECTION. **Sec. 14.** PURCHASING, POSSESSING BY PERSONS UNDER EIGHTEEN—CIVIL INFRACTION—JURISDICTION. (1) A person under the age of eighteen who purchases or attempts to purchase, possesses, or obtains or attempts to obtain vapor products commits a class 3 civil infraction under chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80 RCW or participation in up to four hours of community restitution, or both. The court may also require participation in a smoking cessation program. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a board, law enforcement, or local health department activity.

(2) Municipal and district courts within the state have jurisdiction for enforcement of this section.

NEW SECTION. **Sec. 15.** AGE IDENTIFICATION REQUIREMENT. (1) When there may be a question of a person's right to purchase or obtain vapor products by reason of age, the retailer or agent thereof, must require the purchaser to present any one of the following officially issued forms of identification that shows the purchaser's age and bears his or her signature and photograph: (a) Liquor control authority card of identification of a state or province of Canada; (b) driver's license, instruction permit, or identification card of a state or province of Canada; (c) "identicard" issued by the Washington state department of licensing under chapter 46.20 RCW; (d) United States military identification; (e) passport; (f) enrollment card, issued by the governing authority of a federally recognized Indian tribe located in Washington, that incorporates security features comparable to those implemented by the department of licensing for Washington drivers' licenses. At least ninety days prior to implementation of an enrollment card under this subsection, the appropriate tribal authority must give notice to the board. The board must publish and communicate to licensees regarding the implementation of each new enrollment card; or (g) merchant marine identification card issued by the United States coast guard.

(2) It is a defense to a prosecution under RCW 26.28.080 that the person making a sale reasonably relied on any of the officially issued identification as defined in subsection (1) of this section. The board must waive the suspension or revocation of a license if the licensee clearly establishes that he or she acted in good faith to prevent violations and a violation occurred despite the licensee's exercise of due diligence.

NEW SECTION. **Sec. 16.** VENDOR-ASSISTED SALES REQUIREMENT. (1) No person may offer a tobacco product or a vapor product for sale in an open, unsecured display that is accessible to the public without the intervention of a store employee.

(2) It is unlawful to sell or distribute vapor products from self-service displays.

(3) Retail establishments are exempt from subsections (1) and (2) of this section if minors are not allowed in the store and such prohibition is posted clearly on all entrances.

NEW SECTION. **Sec. 17.** MAIL AND INTERNET SALES. (1) No person may conduct a delivery sale or otherwise ship or transport, or cause to be shipped or transported, any vapor product ordered or purchased by mail or through the internet to any person unless such seller has a valid delivery sale license as required under this chapter.

(2) No person may conduct a delivery sale or otherwise ship or transport, or cause to be shipped or transported, any vapor product ordered or purchased by mail or through the internet to any person under the minimum age required for the legal sale of vapor products as provided under section 14 of this act.

(3) A delivery sale licensee must provide notice on its mail order or internet sales forms of the minimum age required for the legal sale of vapor products in Washington state as provided by section 14 of this act.

(4) A delivery sale licensee must not accept a purchase or order from any person without first obtaining the full name, birth date, and residential address of that person and verifying this information through an independently operated third-party database or aggregate of databases, which includes data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication.

(5) A delivery sale licensee must accept payment only through a credit or debit card issued in the purchaser's own name. The licensee must verify that the card is issued to the same person identified through identity and age verification procedures in subsection (4) of this section.

(6) Before a delivery sale licensee delivers an initial purchase to any person, the licensee must verify the identity and delivery address of the purchaser by mailing or shipping to the purchaser a notice of sale and certification form confirming that the addressee is in fact the person placing the order. The purchaser must return the signed certification form to the licensee before the initial shipment of product. Certification forms are not required for repeat customers. In the alternative, before a seller delivers an initial purchase to any person, the seller must first obtain from the prospective customer an electronic certification, such as by email, that includes a declaration that, at a minimum, the prospective customer is over the minimum age required for the legal sale of a

vapor product, and the credit or debit card used for payment has been issued in the purchaser's name.

(7) A delivery sale licensee must include on shipping documents a clear and conspicuous statement which includes, at a minimum, that the package contains vapor products, Washington law prohibits sales to those under the minimum age established by this chapter, and violations may result in sanctions to both the licensee and the purchaser.

(8) A person who knowingly violates this section is guilty of a class C felony, except that the maximum fine that may be imposed is five thousand dollars.

(9) In addition to or in lieu of any other civil or criminal remedy provided by law, a person who has violated this section is subject to a civil penalty of up to five thousand dollars for each violation. The attorney general, acting in the name of the state, may seek recovery of the penalty in a civil action in superior court.

(10) The attorney general may seek an injunction in superior court to restrain a threatened or actual violation of this section and to compel compliance with this section.

(11) Any violation of this section is not reasonable in relation to the development and preservation of business and is an unfair and deceptive act or practice and an unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020. Standing to bring an action to enforce RCW 19.86.020 for violation of this section lies solely with the attorney general. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.

(12)(a) In any action brought under this section, the state is entitled to recover, in addition to other relief, the costs of investigation, expert witness fees, costs of the action, and reasonable attorneys' fees.

(b) If a court determines that a person has violated this section, the court shall order any profits, gain, gross receipts, or other benefit from the violation to be disgorged and paid to the state treasurer for deposit in the general fund.

(13) Unless otherwise expressly provided, the penalties or remedies, or both, under this section are in addition to any other penalties and remedies available under any other law of this state.

(14) A licensee who violates this section is subject to license suspension or revocation by the board.

(15) The board may adopt by rule additional requirements for mail or internet sales.

(16) The board must not adopt rules prohibiting internet sales.

NEW SECTION. **Sec. 18.** CHILD-RESISTANT PACKAGING REQUIREMENT. (1) Any liquid nicotine container that is sold at retail shall be packaged in accordance with the child-resistant effectiveness standards set forth in 16 C.F.R. Sec. 1700.15, as in effect on the effective date of this section, as determined through testing in accordance with the method described in 16 C.F.R. Sec. 1700.20, as in effect on the effective date of this section.

(2) Any person that engages in retail sales of liquid nicotine containers in violation of this section is guilty of a gross misdemeanor.

NEW SECTION. **Sec. 19.** TASTINGS. (1) No person may offer a tasting of vapor products to the general public unless:

(a) The person is a licensed retailer under section 5 of this act;

(b) The tastings are offered only within the licensed premises operated by the licensee and the products tasted are not removed from within the licensed premises by the customer;

(c) Entry into the licensed premises is restricted to persons eighteen years of age or older;

(d) The vapor product being offered for tasting contains zero milligrams per milliliter of nicotine or the customer explicitly consents to a tasting of a vapor product that contains nicotine; and

(e) If the customer is tasting from a vapor device owned and maintained by the retailer, a disposable mouthpiece tip is attached to the vapor product being used by the customer for tasting or the vapor device is disposed of after each tasting.

(2) A violation of this section is a misdemeanor.

NEW SECTION. **Sec. 20.** COUPONS. (1) No person may give or distribute vapor products to a person free of charge by coupon, unless the vapor product was provided to the person as a contingency of prior or the same purchase as part of an in-person transaction or delivery sale.

(2) This section does not prohibit the use of coupons to receive a discount on a vapor product as part of an in-person transaction or delivery sale.

NEW SECTION. **Sec. 21.** USE OF VAPOR PRODUCTS IN CERTAIN PUBLIC PLACES. (1) Indoor areas.

(a) The use of vapor products is prohibited in the following indoor areas:

(i) Inside a child care facility, provided that a child care facility that is home-based is excluded from this paragraph when children enrolled in such child care facility are not present;

(ii) Schools;

(iii) Within five hundred feet of schools;

(iv) Schools buses; and

(v) Elevators.

(b) The use of vapor products is permitted for tasting and sampling in indoor areas of retail outlets.

(2) Outdoor areas. The use of vapor products is prohibited in the following outdoor areas:

(a) Real property that is under the control of a child care facility and upon which the child care facility is located, provided that a child care facility that is home-based is excluded from this paragraph when children enrolled in such child care facility are not present;

(b) Real property that is under the control of a school and upon which the school is located; and

(c) Playgrounds, during the hours between sunrise and sunset, when one or more persons under twelve years of age are present at such playground.

NEW SECTION. **Sec. 22.** PENALTIES, SANCTIONS, AND ACTIONS AGAINST LICENSEES. (1) The board may impose a monetary penalty as set forth in subsection (2) of this section, if the board finds that the licensee has violated RCW 26.28.080 or any other provision of this chapter.

(2) Subject to subsection (3) of this section, the sanctions that the board may impose against a person licensed under this chapter based upon one or more findings under subsection (1) of this section may not exceed the following:

(a) A monetary penalty of two hundred dollars for the first violation within any three-year period;

(b) A monetary penalty of six hundred dollars for the second violation within any three-year period;

(c) A monetary penalty of two thousand dollars for the third violation within any three-year period and suspension of the license for a period of six months for the third violation of RCW 26.28.080 within any three-year period;

(d) A monetary penalty of three thousand dollars for the fourth or subsequent violation within any three-year period and suspension of the license for a period of twelve months for the fourth violation of RCW 26.28.080 within any three-year period;

(e) Revocation of the license with no possibility of reinstatement for a period of five years for the fifth or more violation within any three-year period.

(3) If the board finds that a person licensed under this chapter and chapter 82.24 or 82.26 RCW has violated RCW 26.28.080, each subsequent violation of either of the person's licenses counts as an additional violation within that three-year period.

(4) Any retailer's licenses issued under chapter 82.24 or 82.26 RCW to a person whose vapor product retailer's license or licenses have been suspended or revoked for violating RCW 26.28.080 must also be suspended or revoked during the period of suspension or revocation under this section.

(5) The board may impose a monetary penalty upon any person other than a licensed retailer if the board finds that the person has violated RCW 26.28.080.

(6) The monetary penalty that the board may impose based upon one or more findings under subsection (5) of this section may not exceed fifty dollars for the first violation and one hundred dollars for each subsequent violation.

(7) The board may develop and offer a class for retail clerks and use this class in lieu of a monetary penalty for the clerk's first violation.

(8) The board may issue a cease and desist order to any person who is found by the board to have violated or intending to violate the provisions of this chapter or RCW 26.28.080, requiring such person to cease specified conduct that is in violation. The issuance of a cease and desist order does not preclude the imposition of other sanctions authorized by this statute or any other provision of law.

(9) The board may seek injunctive relief to enforce the provisions of RCW 26.28.080 or this chapter. The board may initiate legal action to collect civil penalties imposed under this chapter if the same have not been paid within thirty days after imposition of such penalties. In any action filed by the board under this chapter, the court may, in addition to any other relief, award the board reasonable attorneys' fees and costs.

(10) All proceedings under subsections (1) through (8) of this section must be conducted in accordance with chapter 34.05 RCW.

(11) The board may reduce or waive either the penalties or the suspension or revocation of a license, or both, as set forth in this chapter where the elements of proof are inadequate or where there are mitigating circumstances. Mitigating circumstances may include, but are not limited to, an exercise of due diligence by a retailer. Further, the board may exceed penalties set forth in this chapter based on aggravating circumstances.

Sec. 23. RCW 70.155.100 and 2006 c 14 s 5 are each amended to read as follows:

(1) The liquor ((~~control~~)) and cannabis board may suspend or revoke a retailer's license issued under RCW 82.24.510(1)(b) or 82.26.150(1)(b) held by a business at any location, or may impose a monetary penalty as set forth in subsection (((~~(2)~~))) (3) of this section, if the liquor ((~~control~~)) and cannabis board finds that the licensee has violated RCW 26.28.080, 70.155.020, 70.155.030, 70.155.040, 70.155.050, 70.155.070, or 70.155.090.

(2) Any retailer's licenses issued under section 5 of this act to a person whose license or licenses under chapter 82.24 or 82.26 RCW have been suspended or revoked for violating RCW 26.28.080 must also be suspended or revoked during the period of suspension or revocation under this section.

(3) The sanctions that the liquor ((~~control~~)) and cannabis board may impose against a person licensed under RCW 82.24.530 or 82.26.170 based upon one or more findings under subsection (1) of this section may not exceed the following:

(a) For violations of RCW 26.28.080 ((~~or~~)), 70.155.020, or 21 C.F.R. Sec. 1140.14, and for violations of RCW 70.155.040 occurring on the licensed premises:

(i) A monetary penalty of ((~~one~~)) two hundred dollars for the first violation within any ((~~two-year~~)) three-year period;

(ii) A monetary penalty of ((~~three~~)) six hundred dollars for the second violation within any ((~~two-year~~)) three-year period;

(iii) A monetary penalty of ((~~one~~)) two thousand dollars and suspension of the license for a period of six months for the third violation within any ((~~two-year~~)) three-year period;

(iv) A monetary penalty of ((~~one~~)) three thousand ((~~five hundred~~)) dollars and suspension of the license for a period of twelve months for the fourth violation within any ((~~two-year~~)) three-year period;

(v) Revocation of the license with no possibility of reinstatement for a period of five years for the fifth or more violation within any ((~~two-year~~)) three-year period;

(b) If the board finds that a person licensed under chapter 82.24 or 82.26 RCW and section 5 of this act has violated RCW 26.28.080, each subsequent violation of either of the person's licenses counts as an additional violation within that three-year period.

(c) For violations of RCW 70.155.030, a monetary penalty in the amount of one hundred dollars for each day upon which such violation occurred;

((~~(c) For violations of RCW 70.155.040 occurring on the licensed premises:~~

~~(i) A monetary penalty of one hundred dollars for the first violation within any two-year period;~~

~~(ii) A monetary penalty of three hundred dollars for the second violation within any two-year period;~~

~~(iii) A monetary penalty of one thousand dollars and suspension of the license for a period of six months for the third violation within any two year period;~~

~~(iv) A monetary penalty of one thousand five hundred dollars and suspension of the license for a period of twelve months for the fourth violation within any two-year period;~~

~~(v) Revocation of the license with no possibility of reinstatement for a period of five years for the fifth or more violation within any two-year period;~~))

(d) For violations of RCW 70.155.050, a monetary penalty in the amount of ((~~three~~)) six hundred dollars for each violation;

(e) For violations of RCW 70.155.070, a monetary penalty in the amount of ((~~one~~)) two thousand dollars for each violation.

(((~~(3)~~))) (4) The liquor ((~~control~~)) and cannabis board may impose a monetary penalty upon any person other than a licensed cigarette or tobacco product retailer if the liquor ((~~control~~)) and cannabis board finds that the person has violated RCW 26.28.080, 70.155.020, 70.155.030, 70.155.040, 70.155.050, 70.155.070, or 70.155.090.

(((~~(4)~~))) (5) The monetary penalty that the liquor ((~~control~~)) and cannabis board may impose based upon one or more findings under subsection (((~~(3)~~))) (4) of this section may not exceed the following:

(a) For violation of RCW 26.28.080 or 70.155.020, ((~~fifty~~)) one hundred dollars for the first violation and ((~~one~~)) two hundred dollars for each subsequent violation;

(b) For violations of RCW 70.155.030, ((~~one~~)) two hundred dollars for each day upon which such violation occurred;

(c) For violations of RCW 70.155.040, ((~~one~~)) two hundred dollars for each violation;

(d) For violations of RCW 70.155.050, ((~~three~~)) six hundred dollars for each violation;

(e) For violations of RCW 70.155.070, ((~~one~~)) two thousand dollars for each violation.

(((~~(5)~~))) (6) The liquor ((~~control~~)) and cannabis board may develop and offer a class for retail clerks and use this class in lieu of a monetary penalty for the clerk's first violation.

(((~~(6)~~))) (7) The liquor ((~~control~~)) and cannabis board may issue a cease and desist order to any person who is found by the liquor ((~~control~~)) and cannabis board to have violated or intending to violate the provisions of this chapter, RCW 26.28.080 ((~~or~~)), 82.24.500, or 82.26.190 requiring such person to cease specified conduct that is in violation. The issuance of a cease and desist order ((~~shall~~)) does not preclude the imposition of other sanctions authorized by this statute or any other provision of law.

(((~~(7)~~))) (8) The liquor ((~~control~~)) and cannabis board may seek injunctive relief to enforce the provisions of RCW 26.28.080 ((~~or~~)), 82.24.500, 82.26.190 or this chapter. The liquor ((~~control~~)) and cannabis board may initiate legal action to collect civil penalties imposed under this chapter if the same have not been paid within thirty days after imposition of such penalties. In any action filed by the liquor ((~~control~~)) and cannabis board under this chapter, the court may, in addition to any other relief, award the liquor ((~~control~~)) and cannabis board reasonable attorneys' fees and costs.

(((~~(8)~~))) (9) All proceedings under subsections (1) through (((~~(6)~~))) (7) of this section shall be conducted in accordance with chapter 34.05 RCW.

(((~~(9)~~))) (10) The liquor ((~~control~~)) and cannabis board may reduce or waive either the penalties or the suspension or revocation of a license, or both, as set forth in this chapter where the elements of proof are inadequate or where there are mitigating circumstances. Mitigating circumstances may include, but are not

limited to, an exercise of due diligence by a retailer. Further, the board may exceed penalties set forth in this chapter based on aggravating circumstances.

NEW SECTION. **Sec. 24.** LIQUOR AND CANNABIS BOARD AUTHORITY. (1) The board must have, in addition to the board's other powers and authorities, the authority to enforce the provisions of this chapter.

(2) The board and the board's authorized agents or employees have full power and authority to enter any place of business where vapor products are sold for the purpose of enforcing the provisions of this chapter.

(3) For the purpose of enforcing the provisions of this chapter, a peace officer or enforcement officer of the board who has reasonable grounds to believe a person observed by the officer purchasing, attempting to purchase, or in possession of vapor products is under eighteen years of age, may detain such person for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth. Further, vapor products possessed by persons under eighteen years of age are considered contraband and may be seized by a peace officer or enforcement officer of the board.

(4) The board may work with local county health departments or districts and local law enforcement agencies to conduct random, unannounced, inspections to assure compliance.

(5) Upon a determination by the secretary of health or a local health jurisdiction that a vapor product may be injurious to human health or poses a significant risk to public health:

(a) The board, in consultation with the department of health and local county health jurisdictions, may cause a vapor product substance or solution sample, purchased or obtained from any vapor product retailer, distributor, or delivery sale licensee, to be analyzed by an analyst appointed or designated by the board;

(b) If the analyzed vapor product contains an ingredient, substance, or solution present in quantities injurious to human health or posing a significant risk to public health, as determined by the secretary of health or a local health jurisdiction, the board may suspend the license of the retailer or delivery sale licensee unless the retailer or delivery sale licensee agrees to remove the product from sales; and

(c) If upon a finding from the secretary of health or local health jurisdiction that the vapor product poses an injurious risk to public health or significant public health risk, the retailer or delivery sale licensee does not remove the product from sale, the secretary of health or local health officer may file for an injunction in superior court prohibiting the sale or distribution of that specific vapor product substance or solution.

(6) Nothing in subsection (5) of this section permits a total ban on the sale or use of vapor products.

NEW SECTION. **Sec. 25.** SOURCE AND USE OF FUNDS. All license fees collected and funds collected by the board from the imposition of monetary penalties pursuant to this chapter must be deposited into the youth tobacco and vapor products prevention account created in RCW 70.155.120.

NEW SECTION. **Sec. 26.** EXEMPTIONS. This chapter does not apply to a motor carrier or a freight forwarder as defined in 49 U.S.C. Sec. 13102 or an air carrier as defined in 49 U.S.C. Sec. 40102.

NEW SECTION. **Sec. 27.** SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Sec. 28. RCW 82.26.170 and 2005 c 180 s 13 are each amended to read as follows:

(1) A fee of ((~~ninety-three~~)) one hundred seventy-five dollars shall accompany each retailer's license application or license renewal application. A separate license is required for each separate location at which the retailer operates.

(2) The fee imposed under subsection (1) of this section does not apply to any person applying for a retailer's license or for renewal of a retailer's license if the person has a valid retailer's license under RCW 82.24.510 for the place of business associated with the retailer's license application or renewal application.

(3) A retailer applying for, or renewing, both a retailer's license under RCW 82.26.170 and a vapor products retailer's license under section 5 of this act may pay a combined application fee of two hundred fifty dollars for both licenses.

Sec. 29. RCW 66.08.145 and 2007 c 221 s 1 are each amended to read as follows:

(1) The liquor ((~~control~~)) and cannabis board may issue subpoenas in connection with any investigation, hearing, or proceeding for the production of books, records, and documents held under this chapter or chapters 70.155, 70.158, 70.--- (the new chapter created in section 31 of this act), 82.24, and 82.26 RCW, and books and records of common carriers as defined in RCW 81.80.010, or vehicle rental agencies relating to the transportation or possession of cigarettes or other tobacco products.

(2) The liquor ((~~control~~)) and cannabis board may designate individuals authorized to sign subpoenas.

(3) If any person is served a subpoena from the board for the production of records, documents, and books, and fails or refuses to obey the subpoena for the production of records, documents, and books when required to do so, the person is subject to proceedings for contempt, and the board may institute contempt of court proceedings in the superior court of Thurston county or in the county in which the person resides.

NEW SECTION. **Sec. 30.** A new section is added to chapter 70.155 RCW to read as follows:

(1) A person who holds a license issued under chapter 82.24 or 82.26 RCW or section 5 of this act must conduct the business and maintain the premises in compliance with Titles 9 and 9A RCW and chapter 69.50 RCW.

(2) The board may revoke or suspend a license issued under chapter 82.24 or 82.26 RCW or section 5 of this act upon sufficient cause showing a violation of this section.

NEW SECTION. **Sec. 31.** NEW CHAPTER CREATION. Sections 3 through 8, 10 through 22, and 24 through 26 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. **Sec. 32.** EFFECTIVE DATE. (1) Sections 5 through 10 and 28 of this act take effect thirty days after the Washington state liquor and cannabis board prescribes the form for an application for a license required under section 6 of this act.

(2) The Washington state liquor and cannabis board must provide written notice of the effective date of sections 5 through 10 and 28 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department.

Passed by the Senate March 28, 2016.
Passed by the House March 29, 2016.
Approved by the Governor April 19, 2016.
Filed in Office of Secretary of State April 20, 2016.

AUTHENTICATION

I, K. Kyle Thiessen, Code Reviser of the State of Washington, certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by RCW 44.20.060, the laws published in this volume are a true and correct reproduction of the copies of the enrolled laws of the 2016 session (64th Legislature), chapters 203 through 241, and the 2016 special session, chapters 1 through 38, as certified and transmitted to the Statute Law Committee by the Secretary of State under RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this 28th day of April, 2016.

K. KYLE THIESSEN
Code Reviser

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RECD	=	Recodify existing law
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REMD	=	Reenact and amend
REP	=	Repeal existing law

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15.24.035	AMD	15	E1	4
15.24.040	REP	15	E1	12
15.24.060	REP	15	E1	12
15.24.073	AMD	15	E1	5
15.24.080	AMD	15	E1	6
15.24.086	REP	15	E1	12
15.24.090	AMD	15	E1	7
15.24.100	AMD	15	E1	8
15.24.110	AMD	15	E1	9
15.24.120	AMD	15	E1	10
15.24.170	REP	15	E1	12
15.24.900	AMD	15	E1	11
15.44.060	AMD	101		1
16.52.085	AMD	181		1
16.52.200	AMD	181		2
17.10.145	AMD	44		2
17.28.090	AMD	202		20
18	ADD	183		1-10
18.04.025	AMD	127		1
18.04.055	AMD	127		2
18.04.105	AMD	127		3
18.04.195	AMD	127		4
18.04.205	AMD	127		6
18.04.345	AMD	127		5
18.04.350	AMD	127		7
18.06	ADD	97		4
18.06.010	AMD	97		1
18.11.160	AMD	81		8
18.20.430	AMD	36	E1	912
18.27.342	REP	197		12
18.39.410	AMD	81		9
18.43.150	AMD	36	E1	913
18.44.251	AMD	202		21
18.46	ADD	70		10
18.50	ADD	70		2
18.57	ADD	42		1
18.57	ADD	70		3
18.57A	ADD	70		4
18.57A.020	AMD	42		2
18.57A.030	AMD	155		24
18.64	ADD	118		1
18.64	ADD	132		1
18.64	ADD	148		2-6
18.64.011	AMD	148		1
18.64.043	AMD	118		2
18.64.165	AMD	81		10
18.64.245	AMD	148		17
18.64.500	AMD	148		18
18.64A.030	AMD	4	E1	1
18.64A.050	AMD	4	E1	2
18.64A.055	AMD	4	E1	3
18.71	ADD	70		5
18.71A	ADD	70		6

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18.71A.030	AMD	155		23
18.74.010	REMD	41		16
18.79	ADD	70		7
18.83.110	AMD	29	E1	414
18.85.061	AMD	36	E1	914
18.85.461	AMD	36	E1	915
18.92.047	AMD	42		3
18.108	ADD	53		1
18.108.010	REMD	41		1
18.108.025	AMD	41		2
18.108.025	AMD	53		2
18.108.030	AMD	41		3
18.108.040	AMD	41		4
18.108.045	AMD	41		5
18.108.070	AMD	41		6
18.108.070	AMD	53		3
18.108.073	AMD	41		7
18.108.073	AMD	53		4
18.108.085	AMD	41		8
18.108.085	AMD	81		11
18.108.095	AMD	41		9
18.108.115	AMD	41		10
18.108.125	AMD	41		11
18.108.131	AMD	41		12
18.108.220	AMD	41		13
18.108.230	AMD	41		14
18.108.250	AMD	41		15
18.120.020	AMD	41		17
18.130.040	AMD	41		18
18.130.050	REMD	81		13
18.130.055	AMD	81		12
18.130.160	AMD	81		18
18.140.010	AMD	144		1
18.140.120	AMD	144		2
18.145.120	AMD	81		15
18.160.080	AMD	81		17
18.185	ADD	73		1
18.235.110	AMD	81		14
18.240.005	AMD	41		19
18.240.010	AMD	41		20
18.240.020	AMD	41		21
18.250.010	AMD	41		22
18.290	ADD	70		8
18.360.010	AMD	124		1
19	ADD	38		1-8
19.02.210	AMD	36	E1	916
19.16.250	AMD	86		4
19.27A.035	REP	202		54
19.28.095	AMD	198		1
19.28.191	AMD	198		2
19.28.400	REMD	198		3
19.120.040	AMD	202		22
19.150.060	AMD	6	E1	1
19.150.160	AMD	6	E1	2
19.182	ADD	135		1,2
19.225	ADD	13	E1	12
19.225.010	AMD	13	E1	1
19.225.020	AMD	13	E1	2
19.225.030	AMD	13	E1	3
19.225.040	AMD	13	E1	4
19.225.050	AMD	13	E1	5
19.225.060	AMD	13	E1	6
19.225.070	AMD	13	E1	7
19.225.080	AMD	13	E1	8
19.225.090	AMD	13	E1	9
19.225.100	AMD	13	E1	10
19.225.120	AMD	13	E1	11
19.320.010	AMD	4		1
19.340	ADD	210		2
19.340.010	AMD	210		3
19.340.030	AMD	210		1
19.340.100	AMD	210		4
19.360.020	AMD	95		2
19.360.030	AMD	95		3
19.360.040	AMD	95		4
19.360.050	AMD	95		5
19.360.060	AMD	95		6
21.20.040	AMD	61		1
21.20.110	AMD	61		2
21.20.120	AMD	61		3
21.20.140	AMD	61		4
21.20.270	AMD	61		5
21.20.275	AMD	61		6
21.20.280	AMD	61		7
21.20.300	AMD	61		8
21.20.325	AMD	61		9
21.20.340	AMD	61		10
21.20.360	AMD	61		11
21.20.390	AMD	61		12
21.20.400	REEN	61		13
21.20.710	AMD	61		14
21.20.727	AMD	61		15
21.20.883	AMD	61		16
23.86.135	AMD	228		1
23B.19.020	AMD	216		1
23B.19.030	AMD	216		2
23B.19.040	AMD	216		3
24.03	ADD	166		3
26.04.090	AMD	202		23
26.18.100	AMD	202		24

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26.28.080	AMD	38 E1	1
26.44.030	AMD	166	4
26.44.240	AMD	49	1
26.50.085	AMD	202	25
27.34	ADD	102	1
28A.150.010	REMD	241	131
28A.155.065	AMD	57	3
28A.165.035	AMD	72	803
28A.175.075	AMD	162	1
28A.180.040	AMD	72	301
28A.180.090	AMD	72	401
28A.210.020	AMD	219	1
28A.225	ADD	205	3,6,20
28A.225.005	AMD	205	2
28A.225.020	AMD	205	4
28A.225.025	AMD	205	5
28A.225.030	AMD	205	7
28A.225.035	AMD	205	8
28A.225.090	AMD	205	9
28A.230.090	AMD	162	2
28A.290.010	REP	162	5
28A.290.020	REP	162	5
28A.300	ADD	71	3,4
28A.300	ADD	72	801
28A.300	ADD	77	2-4
28A.300	ADD	157	2
28A.300	ADD	233	1,8,12
28A.300	ADD	240	3
28A.300.042	AMD	72	501
28A.300.130	AMD	72	804
28A.300.136	AMD	162	3
28A.300.505	AMD	72	503
28A.300.507	AMD	72	601
28A.300.540	AMD	157	4
28A.305.141	AMD	99	1
28A.310	ADD	240	6
28A.310.250	AMD	85	5
28A.310.500	AMD	96	5
28A.315.005	REMD	241	132
28A.320	ADD	72	102
28A.320	ADD	157	5,7
28A.320.127	AMD	48	1
28A.320.145	AMD	157	6
28A.330	ADD	233	13
28A.345	ADD	72	103,201
28A.345.060	REP	197	12
28A.400.201	AMD	162	4
28A.405.106	AMD	72	202
28A.405.120	AMD	72	203
28A.405.210	AMD	85	1
28A.405.220	AMD	85	2
28A.405.230	AMD	85	3
28A.405.245	AMD	85	4
28A.405.330	AMD	93	3
28A.410	ADD	233	5,6
28A.410.250	AMD	233	4
28A.415	ADD	72	104,204
28A.415.265	AMD	233	11
28A.525.055	AMD	159	1
28A.600.015	AMD	72	105
28A.600.020	AMD	72	106
28A.600.022	AMD	72	107
28A.600.490	AMD	72	101
28A.630	ADD	233	16
28A.650	ADD	59	2
28A.657	ADD	72	205,402
28A.660.050	AMD	233	14
28A.710	ADD	241	127-130
28A.710.005	REP	241	139
28A.710.010	REMD	241	101
28A.710.020	REMD	241	102
28A.710.030	REMD	241	103
28A.710.040	REMD	241	104
28A.710.050	REMD	241	105
28A.710.060	REMD	241	106
28A.710.070	REMD	241	107
28A.710.080	REMD	241	108
28A.710.090	REMD	241	109
28A.710.100	REMD	241	110
28A.710.110	REMD	241	111
28A.710.120	REMD	241	112
28A.710.130	REMD	241	113
28A.710.140	REMD	241	114
28A.710.150	REMD	241	115
28A.710.160	REMD	241	116
28A.710.170	REMD	241	117
28A.710.180	REMD	241	118
28A.710.190	REMD	241	119
28A.710.200	REMD	241	120
28A.710.210	REMD	241	121
28A.710.220	REMD	241	122
28A.710.230	REMD	241	123
28A.710.240	REEN	241	124
28A.710.250	REMD	241	125
28A.710.260	REEN	241	126
28B.07.040	AMD	152	8
28B.10	ADD	152	21
28B.10	ADD	233	10
28B.10.027	AMD	35 E1	6008
28B.10.029	AMD	197	1

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28B.15.069	REMD	33	E1	2
28B.15.069	REEN	202		57
28B.15.558	AMD	233		18
28B.50	ADD	33	E1	1
28B.50.140	AMD	33	E1	3
28B.76	ADD	233		17
28B.76.526	AMD	241		201
28B.77	ADD	71		8
28B.95	ADD	69		5,6,9
				11,13
				15,16
28B.95.010	AMD	69		1
28B.95.020	AMD	69		2
28B.95.025	AMD	69		3
28B.95.030	AMD	69		4
28B.95.035	AMD	69		7
28B.95.040	AMD	69		8
28B.95.080	AMD	69		10
28B.95.090	AMD	69		12
28B.95.100	AMD	69		14
28B.95.150	AMD	69		17
28B.95.900	AMD	69		18
28B.102	ADD	233		15
28B.117.060	AMD	71		5
28B.117.060	RECD	71		8
28B.122.050	AMD	36	E1	917
29A.32.070	AMD	83		1
29A.32.241	AMD	83		2
29A.40.091	AMD	83		3
29A.60	ADD	134		1,3
29A.60.160	AMD	134		2
29A.64.090	AMD	204		1
29A.68	ADD	130		2
29A.68.011	AMD	130		1
29A.68.020	AMD	130		3
29A.68.030	AMD	130		4
29A.68.050	AMD	130		5
29A.68.070	AMD	130		6
29A.68.080	AMD	130		7
29A.68.090	AMD	130		8
29A.68.110	AMD	130		9
29A.68.120	AMD	130		10
30A.22.170	AMD	209		405
35.21	ADD	100		1
35.21	ADD	173		3
35.21.228	AMD	33		2
35.21.692	AMD	41		23
35.22.110	AMD	202		26
35.58.090	AMD	202		27
35.58.585	AMD	95		10
35A.08.120	AMD	202		28
35A.21	ADD	100		2
35A.21.300	AMD	33		3
35A.82.025	AMD	41		24
36.01.210	AMD	33		4
36.17.040	AMD	126		1
36.18.016	REMD	74		4
36.22.181	AMD	7		2
36.24.020	AMD	13		1
36.24.100	AMD	186		1
36.24.110	REP	186		2
36.24.110	AMD	202		29
36.24.120	REP	186		2
36.27.020	AMD	173		7
36.28	ADD	173		4
36.28A.310	REP	203		20
36.28A.320	AMD	203		1
36.28A.390	AMD	203		19
36.29.190	AMD	5	E1	1
36.32.080	REMD	189		1
36.32.080	REMD	202		60
36.32.122	AMD	41		25
36.32.235	AMD	19		8
36.32.235	AMD	95		8
36.32.245	AMD	95		9
36.35.150	AMD	63		1
36.35.290	AMD	98		1
36.57.120	AMD	33		5
36.57A.030	AMD	95		11
36.57A.170	AMD	33		6
36.60.020	AMD	202		30
36.62.252	AMD	95		7
36.68.470	AMD	202		31
36.80.015	AMD	19		3
36.80.030	AMD	19		4
36.80.040	AMD	19		5
36.80.050	AMD	19		6
36.80.060	AMD	19		7
36.87.120	AMD	19		2
38.52.105	AMD	36	E1	918
38.52.180	AMD	84		1
39	ADD	192		1-9
39.10.420	REMD	52		1
39.24	ADD	40		2
39.26	ADD	40		1
39.46.020	AMD	105		6
39.46.030	AMD	105		7
39.58.010	AMD	152		1
39.58.045	REP	152		7
39.58.050	AMD	152		2

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39.58.080	AMD	2	E1	1
39.58.085	AMD	2	E1	2
39.58.105	AMD	152		3
39.58.108	AMD	152		4
39.58.120	REP	152		7
39.58.135	AMD	152		5
39.58.155	AMD	152		6
39.59	ADD	152		11
39.59.010	AMD	152		9
39.59.020	AMD	152		10
39.59.030	REP	152		12
39.60.010	AMD	152		13
39.60.020	AMD	152		14
39.60.030	AMD	152		15
39.60.040	AMD	152		16
39.60.050	AMD	152		17
39.72.010	AMD	5	E1	2
39.80.040	AMD	35	E1	6010
39.86.120	AMD	18	E1	1
39.86.140	AMD	18	E1	2
39.86.190	AMD	18	E1	3
39.104.020	AMD	207		1
39.104.100	AMD	207		2
39.104.150	AMD	207		3
41.04.205	AMD	67		1
41.04.665	AMD	177		1
41.05.011	REMD	67		2
41.05.011	REEN	241		136
41.05.017	AMD	139		4
41.05.050	AMD	67		3
41.05.700	AMD	68		4
41.06.070	REMD	188		11
41.06.280	AMD	36	E1	919
41.14.050	AMD	82		1
41.26	ADD	222		2,3
41.26.164	AMD	120		1
41.26.470	AMD	115		3
41.26.510	AMD	115		1
41.26.520	REMD	115		2
41.32	ADD	233		7
41.32.033	REEN	241		133
41.35.035	REEN	241		134
41.40	ADD	236		2
41.40.025	REEN	241		135
41.45.035	AMD	36	E1	922
41.50	ADD	112		3
41.50.590	AMD	202		32
41.50.770	AMD	112		1
41.50.780	AMD	112		2
41.56.0251	REEN	241		137
41.59.031	REEN	241		138
41.80.010	AMD	36	E1	923
41.80.140	AMD	36	E1	924
42.30.120	AMD	58		1
42.56.080	REMD	163		3
42.56.120	AMD	163		4
42.56.240	REMD	163		2
42.56.240	REMD	173		8
42.56.270	AMD	8	E1	1
42.56.270	AMD	9	E1	3
42.56.270	AMD	178		1
42.56.360	AMD	238		2
42.56.400	REMD	122		4
42.56.400	REMD	142		19
42.56.400	REMD	142		20
42.56.420	AMD	153		1
42.56.480	REP	182		1
43	ADD	172		5-14
43	ADD	188		1-9
43.06.338	AMD	27	E1	1
43.07	ADD	23	E1	1
43.07.050	REP	202		64
43.07.090	REP	202		64
43.07.100	REP	202		64
43.07.110	REP	202		64
43.07.173	AMD	202		61
43.07.190	AMD	202		62
43.07.205	REP	202		64
43.07.400	AMD	202		63
43.09.475	AMD	36	E1	925
43.10.220	AMD	36	E1	926
43.19.501	REEN	202		58
43.19.642	AMD	197		2
43.20.145	AMD	20	E1	2
43.20A.025	AMD	29	E1	415
43.20B.040	AMD	202		33
43.21A	ADD	194		1-4
43.22.330	REP	197		12
43.22.335	AMD	167		3
43.22.360	AMD	167		2
43.22.380	AMD	167		1
43.31	ADD	173		9
43.31	ADD	212		2
43.33A.135	AMD	69		19
43.33A.190	AMD	39		8
43.33A.190	AMD	69		20
43.41	ADD	36	E1	927
43.41.400	AMD	72		108
43.43	ADD	28		6,7
43.43	ADD	173		2,5

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43.43	ADD	222		1
43.43.380	AMD	28		5
43.43.480	AMD	197		3
43.43.839	AMD	36	E1	928
43.59.030	REMD	206		2
43.60A.140	AMD	31		4
43.70	ADD	70		1
43.70	ADD	123		2
43.70	ADD	141		1
43.70.235	AMD	139		1
43.70.235	RECD	139		3
43.70.250	AMD	146		1
43.70.442	AMD	90		5
43.71.080	AMD	133		3
43.79	ADD	35	E1	6016
43.79.201	AMD	36	E1	930
43.79.445	AMD	36	E1	931
43.79.460	AMD	36	E1	932
43.79A.040	REMD	39		7
43.79A.040	REMD	69		21
43.79A.040	REMD	173		10
43.79A.040	REMD	203		2
43.80	ADD	105		5
43.80.100	AMD	105		1
43.80.110	REP	105		8
43.80.120	AMD	105		2
43.80.125	AMD	105		3
43.80.130	REP	105		8
43.80.140	REP	105		8
43.80.150	AMD	105		4
43.80.160	REP	105		8
43.83B.430	AMD	36	E1	933
43.84.080	AMD	152		18
43.84.092	REMD	112		4
43.84.092	REMD	161		20
43.84.092	REMD	194		5
43.84.180	AMD	35	E1	6021
43.88.500	REP	197		12
43.88.505	REP	197		12
43.88.510	REP	197		12
43.88.515	REP	197		12
43.105	ADD	195		2
43.105	ADD	237		4
43.105.020	REMD	237		2
43.105.054	AMD	237		3
43.110.030	AMD	138		2
43.131.419	AMD	147		1
43.131.420	AMD	147		2
43.135	ADD	1		6
43.135.031	AMD	1		4
43.135.03901	DECD	29	E1	529
43.135.041	AMD	1		5
43.135.045	AMD	36	E1	934
43.185.030	AMD	36	E1	936
43.185C	ADD	157		3
43.185C	ADD	205		12
43.185C.255	AMD	29	E1	413
43.185C.305	AMD	29	E1	428
43.185C.315	AMD	205		10
43.185C.320	AMD	205		11
43.215	ADD	57		7
43.215	ADD	72		701
43.215	ADD	169		2
43.215.010	AMD	169		3
43.215.010	AMD	231		1
43.215.020	AMD	57		5
43.220	ADD	44		3
43.250.020	REMD	152		19
43.250.090	REP	152		20
43.280	ADD	50		1
43.320.140	AMD	7		1
43.330	ADD	39		1-6
43.330	ADD	205		17
43.330.040	AMD	12	E1	1
43.330.050	AMD	12	E1	2
43.350.030	AMD	9	E1	2
43.350.070	AMD	36	E1	937
43.372.070	AMD	36	E1	938
44.28	ADD	195		3
46.01.260	AMD	203		3
46.01.325	REP	197		12
46.04	ADD	15		5
46.04	ADD	16		5
46.04	ADD	22		3
46.04	ADD	30		2
46.04	ADD	36		5
46.04.620	AMD	22		2
46.09.320	AMD	84		2
46.09.442	AMD	84		3
46.09.457	AMD	84		4
46.12.630	AMD	80		1
46.12.635	AMD	80		2
46.12.640	AMD	80		3
46.12.650	AMD	86		1
46.17.220	REMD	15		2
46.17.220	REMD	16		2
46.17.220	REMD	30		3
46.17.220	REMD	31		2
46.17.220	REMD	36		2
46.18.060	REMD	15		4

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46.18.060	REMD	16		4
46.18.060	REMD	36		4
46.18.200	REMD	15		1
46.18.200	REMD	16		1
46.18.200	REMD	30		1
46.18.200	REMD	36		1
46.18.280	AMD	31		1
46.19.030	AMD	84		5
46.20.202	AMD	32		2
46.20.265	AMD	136		8
46.20.289	AMD	203		6
46.20.291	AMD	203		5
46.20.308	AMD	203		15
46.20.3101	AMD	203		18
46.20.311	AMD	203		12
46.20.385	AMD	203		13
46.20.720	AMD	203		14
46.29.270	AMD	93		4
46.29.310	AMD	93		5
46.37.050	AMD	22		4
46.37.340	AMD	22		5
46.37.500	AMD	22		6
46.37.640	AMD	213		1
46.37.650	AMD	213		2
46.37.660	AMD	213		3
46.44.037	AMD	22		7
46.44.041	AMD	24		1
46.44.0915	AMD	26		1
46.52.120	REMD	197		4
46.55.105	AMD	86		2
46.61.502	AMD	87		1
46.61.5055	AMD	29	E1	530
46.61.5055	AMD	203		17
46.61.5056	AMD	29	E1	531
46.61.506	AMD	203		8
46.61.723	AMD	17		1
46.61.725	AMD	17		2
46.63.020	AMD	213		4
46.64	ADD	86		3
46.64.025	AMD	203		4
46.68.030	AMD	28		2
46.68.420	AMD	15		3
46.68.420	AMD	16		3
46.68.420	AMD	36		3
46.68.425	AMD	30		4
46.68.425	AMD	31		3
46.70.011	REMD	26	E1	1
46.70.023	AMD	26	E1	2
46.70.120	AMD	16	E1	1
46.71.060	AMD	16	E1	2
46.83.010	AMD	201		1
46.83.020	AMD	201		2
46.83.030	AMD	201		3
47.01	ADD	34		2
47.01.071	AMD	35		1
47.04	ADD	35		2
47.04.280	REMD	35		3
47.04.310	REMD	18		1
47.06A.050	AMD	23		1
47.17.502	REP	239		1
47.60.310	AMD	25		1
47.64.360	AMD	35		4
47.68.240	AMD	20		2
47.68.250	AMD	20		3
47.68.250	AMD	20		4
47.80.020	AMD	27		1
48.02	ADD	210		5
48.14.020	AMD	133		1
48.14.0201	AMD	133		2
48.18	ADD	121		1
48.21	ADD	143		2
48.21.010	AMD	65		1
48.24.280	AMD	143		1
48.39	ADD	146		5
48.43	ADD	123		1
48.43	ADD	139		3
48.43.005	REMD	65		2
48.43.733	AMD	156		2
48.43.735	AMD	68		3
48.44.070	REP	122		2
48.46.243	REEN	122		3
48.74	ADD	142		2,4,6,7
				13-16
48.74.010	AMD	142		1
48.74.020	AMD	142		3
48.74.025	AMD	142		5
48.74.030	AMD	142		8
48.74.050	AMD	142		9
48.74.060	AMD	142		10
48.74.070	AMD	142		11
48.74.090	AMD	142		12
48.76.010	AMD	142		17
48.76.050	AMD	142		18
48.110.015	REMD	125		1
48.110.030	AMD	224		1
48.110.040	AMD	224		2
48.110.050	AMD	224		3
48.110.055	AMD	224		4
48.110.902	AMD	224		5
48.177.005	REMD	21		1

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49.04.190	AMD	197		5
49.12.450	AMD	202		55
49.70.170	AMD	168		1
50.04.223	AMD	41		26
50.16.010	AMD	36	E1	940
50.22.157	AMD	197		6
50.24.014	AMD	36	E1	941
51.12	ADD	62		3
51.12.170	AMD	62		2
53.48.030	AMD	93		6
57.02	ADD	14	E1	1
58.09.080	AMD	202		34
59.18	ADD	66		3
59.18.030	REMD	66		1
59.18.257	AMD	66		2
59.18.280	AMD	66		4
60.08.020	AMD	202		35
61.12.020	AMD	202		36
61.24	ADD	196		2
61.24.135	AMD	196		3
61.24.172	AMD	196		1
61.24.174	REP	196		4
64.04.030	AMD	202		37
64.04.040	AMD	202		38
64.04.050	AMD	202		39
64.06.080	AMD	138		1
64.08.060	AMD	202		40
64.08.070	AMD	202		41
65.12.035	AMD	202		42
65.12.125	AMD	202		43
65.12.230	AMD	202		44
65.12.235	AMD	202		45
65.12.255	AMD	202		46
65.12.270	AMD	202		47
66.08.145	AMD	38	E1	29
66.12.110	AMD	235		3
66.12.120	AMD	235		4
66.12.240	AMD	235		5
66.16.090	REP	182		1
66.20.010	REMD	129		1
66.20.010	REMD	235		6
66.20.170	AMD	235		7
66.20.180	AMD	235		8
66.20.190	AMD	235		9
66.20.200	AMD	235		10
66.20.210	AMD	235		11
66.24	ADD	190		1
66.24.170	REMD	235		1
66.24.210	AMD	225		1
66.24.210	AMD	235		12
66.24.380	AMD	235		2
66.24.440	REP	235		17
66.28.030	AMD	235		13
66.28.035	AMD	235		14
66.28.040	AMD	235		15
66.28.340	AMD	190		2
66.44.350	AMD	235		16
66.44.365	AMD	136		9
67.16.280	AMD	160		1
67.38.030	AMD	202		48
68.50.020	AMD	221		2
68.50.050	AMD	221		1
69.41	ADD	148		7
69.41.010	REMD	97		2
69.41.010	REMD	148		10
69.41.030	REMD	148		11
69.41.032	AMD	148		12
69.41.042	AMD	148		13
69.41.044	AMD	148		14
69.41.055	AMD	148		15
69.41.065	AMD	136		10
69.41.220	AMD	148		16
69.50	ADD	17	E1	1
69.50.308	AMD	148		8
69.50.325	AMD	170		1
69.50.357	AMD	171		1
69.50.372	AMD	9	E1	1
69.50.402	AMD	150		1
69.50.420	AMD	136		11
69.50.530	AMD	36	E1	942
69.51A.250	AMD	170		2
69.52.070	AMD	136		12
69.70.010	AMD	43		1
69.70.020	AMD	43		2
69.70.040	AMD	43		3
69.70.050	AMD	43		4
69.70.060	AMD	43		5
69.70.070	AMD	43		6
70	ADD	38	E1	3-8
				10-22
				24-26
70	ADD	47		1-5
70	ADD	56		1,2
70	ADD	161		1-13
				21,23
70.02.010	REMD	29	E1	416
70.02.230	REMD	29	E1	417
70.14.090	AMD	1	E1	1
70.24	ADD	60		2
70.38.111	AMD	31	E1	4

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70.41	ADD	70		9
70.41	ADD	173		6
70.41	ADD	226		2-4
70.41.020	REMD	226		1
70.41.045	AMD	197		7
70.41.090	AMD	31	E1	3
70.41.230	AMD	68		6
70.41.320	AMD	226		5
70.44.140	AMD	51		1
70.46	ADD	3	E1	1
70.47.130	AMD	139		5
70.48.100	AMD	154		6
70.48.475	AMD	29	E1	418
70.54	ADD	10		1
70.54	ADD	238		1
70.58	ADD	135		3
70.94.473	AMD	187		1
70.95	ADD	119		3
70.95	ADD	165		1
70.95.060	AMD	119		1
70.95.165	AMD	119		2
70.95.180	AMD	119		4
70.95.200	AMD	119		5
70.95.205	AMD	119		7
70.95.300	AMD	119		6
70.95.315	AMD	119		8
70.96A.010	REP	29	E1	601
70.96A.011	REP	29	E1	301
70.96A.020	REMD	29	E1	101
70.96A.020	REP	29	E1	301
70.96A.030	REP	29	E1	601
70.96A.035	AMD	29	E1	512
70.96A.035	RECD	29	E1	701
70.96A.037	AMD	29	E1	514
70.96A.037	RECD	29	E1	701
70.96A.040	RECD	29	E1	701
70.96A.043	RECD	29	E1	701
70.96A.045	REP	29	E1	601
70.96A.047	AMD	29	E1	515
70.96A.047	RECD	29	E1	701
70.96A.050	AMD	29	E1	504
70.96A.050	RECD	29	E1	701
70.96A.055	AMD	29	E1	516
70.96A.055	RECD	29	E1	701
70.96A.060	REP	29	E1	601
70.96A.080	RECD	29	E1	701
70.96A.085	RECD	29	E1	701
70.96A.087	AMD	29	E1	517
70.96A.087	RECD	29	E1	701
70.96A.090	AMD	29	E1	506
70.96A.090	RECD	29	E1	701
70.96A.095	REP	29	E1	301
70.96A.096	REP	29	E1	301
70.96A.097	REP	29	E1	301
70.96A.100	RECD	29	E1	701
70.96A.110	REP	29	E1	301
70.96A.120	REP	29	E1	301
70.96A.140	AMD	29	E1	102
70.96A.140	REP	29	E1	301
70.96A.141	REP	29	E1	301
70.96A.142	REP	29	E1	301
70.96A.145	AMD	29	E1	103
70.96A.145	REP	29	E1	301
70.96A.148	REP	29	E1	301
70.96A.150	REP	29	E1	601
70.96A.155	REP	29	E1	301
70.96A.157	REP	29	E1	301
70.96A.160	REP	29	E1	301
70.96A.170	AMD	29	E1	518
70.96A.170	RECD	29	E1	701
70.96A.180	REP	29	E1	301
70.96A.190	RECD	29	E1	701
70.96A.230	AMD	29	E1	104
70.96A.230	REP	29	E1	301
70.96A.235	REP	29	E1	301
70.96A.240	REP	29	E1	301
70.96A.245	REP	29	E1	301
70.96A.250	REP	29	E1	301
70.96A.255	REP	29	E1	301
70.96A.260	REP	29	E1	301
70.96A.265	REP	29	E1	301
70.96A.300	REP	29	E1	601
70.96A.310	REP	29	E1	601
70.96A.320	REP	29	E1	601
70.96A.325	REP	29	E1	601
70.96A.350	REMD	29	E1	511
70.96A.350	RECD	29	E1	701
70.96A.400	AMD	29	E1	519
70.96A.400	RECD	29	E1	701
70.96A.410	RECD	29	E1	701
70.96A.420	RECD	29	E1	701
70.96A.430	RECD	29	E1	701
70.96A.500	RECD	29	E1	701
70.96A.510	RECD	29	E1	701
70.96A.520	RECD	29	E1	701
70.96A.800	AMD	29	E1	520
70.96A.800	RECD	29	E1	701
70.96A.905	AMD	29	E1	521
70.96A.905	RECD	29	E1	701
70.96A.910	REP	29	E1	301

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70.96A.915	REP	29	E1	301
70.96A.920	REP	29	E1	301
70.96A.930	REP	29	E1	301
70.96B.010	REP	29	E1	301
70.96B.020	REP	29	E1	301
70.96B.030	REP	29	E1	301
70.96B.040	REP	29	E1	301
70.96B.045	REP	29	E1	301
70.96B.050	REP	29	E1	301
70.96B.060	REP	29	E1	301
70.96B.070	REP	29	E1	301
70.96B.080	REP	29	E1	301
70.96B.090	REP	29	E1	301
70.96B.100	REP	29	E1	301
70.96B.110	REP	29	E1	301
70.96B.120	REP	29	E1	301
70.96B.130	REP	29	E1	301
70.96B.140	REP	29	E1	301
70.96B.150	REP	29	E1	301
70.96B.800	REP	29	E1	301
70.96C.010	AMD	29	E1	513
70.96C.010	RECD	29	E1	701
70.96C.020	AMD	29	E1	528
70.96C.020	RECD	29	E1	701
70.97.010	AMD	29	E1	419
70.105D.070	REMD	36	E1	943
70.119A.170	AMD	111		1
70.122.130	AMD	209		406
70.128.160	AMD	36	E1	944
70.148.020	AMD	35	E1	6013
70.148.020	AMD	161		15
70.148.120	REP	161		24
70.148.130	REP	161		24
70.148.140	REP	161		24
70.148.150	REP	161		24
70.148.160	REP	161		24
70.148.170	REP	161		24
70.148.900	AMD	161		16
70.149.900	AMD	161		17
70.155	ADD	38	E1	30
70.155.100	AMD	38	E1	23
70.155.120	AMD	38	E1	2
70.195.005	RECD	57		7
70.195.010	AMD	57		1
70.195.010	RECD	57		7
70.195.020	AMD	57		2
70.195.020	RECD	57		7
70.195.030	RECD	57		7
70.225.040	REMD	104		1
70.230	ADD	146		6
70.230.020	AMD	146		2
70.230.050	AMD	146		3
70.230.100	AMD	146		4
70.230.180	REP	146		8
70.240	ADD	176		2,3
70.240.010	AMD	176		1
70.240.050	AMD	176		4
71.05	ADD	29	E1	201,202
71.05	ADD	158		2,3,5
71.05.010	AMD	29	E1	203
71.05.020	REMD	29	E1	204
71.05.020	REMD	155		1
71.05.025	AMD	29	E1	205
71.05.026	AMD	29	E1	206
71.05.032	REP	29	E1	301
71.05.050	AMD	29	E1	207
71.05.120	AMD	29	E1	208
71.05.120	AMD	158		4
71.05.132	AMD	29	E1	209
71.05.150	AMD	29	E1	210
71.05.150	AMD	29	E1	211
71.05.153	AMD	29	E1	212
71.05.153	AMD	29	E1	213
71.05.154	AMD	29	E1	214
71.05.156	AMD	29	E1	215
71.05.157	AMD	29	E1	216
71.05.160	AMD	29	E1	217
71.05.170	AMD	29	E1	218
71.05.180	AMD	29	E1	219
71.05.190	AMD	29	E1	220
71.05.195	AMD	29	E1	221
71.05.201	AMD	29	E1	222
71.05.201	AMD	107		1
71.05.203	AMD	29	E1	223
71.05.210	REMD	29	E1	224
71.05.210	AMD	29	E1	225
71.05.210	REMD	155		2
71.05.212	AMD	29	E1	226
71.05.214	AMD	29	E1	227
71.05.215	AMD	29	E1	228
71.05.215	AMD	155		3
71.05.217	AMD	155		4
71.05.220	AMD	29	E1	229
71.05.230	AMD	29	E1	230
71.05.230	AMD	45		1
71.05.230	AMD	155		5
71.05.235	AMD	29	E1	231
71.05.240	AMD	29	E1	232
71.05.240	AMD	29	E1	233
71.05.240	AMD	45		2

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71.05.280	AMD	29	E1	234
71.05.290	AMD	29	E1	235
71.05.290	AMD	45		3
71.05.290	AMD	155		6
71.05.300	AMD	29	E1	236
71.05.300	AMD	155		7
71.05.320	AMD	29	E1	237
71.05.320	AMD	29	E1	238
71.05.320	AMD	45		4
71.05.325	AMD	29	E1	239
71.05.340	AMD	29	E1	240
71.05.360	AMD	29	E1	244
71.05.360	AMD	155		8
71.05.365	AMD	37	E1	15
71.05.380	AMD	29	E1	245
71.05.435	AMD	29	E1	246
71.05.530	AMD	29	E1	247
71.05.560	AMD	29	E1	248
71.05.585	AMD	29	E1	241
71.05.585	AMD	45		5
71.05.590	AMD	29	E1	242
71.05.590	AMD	29	E1	243
71.05.620	AMD	29	E1	249
71.05.660	AMD	29	E1	420
71.05.660	AMD	155		9
71.05.700	AMD	29	E1	250
71.05.705	AMD	29	E1	251
71.05.745	AMD	29	E1	252
71.05.750	AMD	29	E1	253
71.06.040	AMD	155		10
71.12.540	AMD	155		11
71.24	ADD	29	E1	507-509
				533,701
71.24	ADD	37	E1	1
71.24	ADD	154		3
71.24.025	REMD	29	E1	501
71.24.025	AMD	29	E1	502
71.24.025	REMD	155		12
71.24.035	AMD	29	E1	503
71.24.037	AMD	29	E1	505
71.24.045	AMD	29	E1	421
71.24.300	AMD	29	E1	522
71.24.330	AMD	29	E1	422
71.24.350	AMD	29	E1	523
71.24.385	AMD	29	E1	510
71.32.020	AMD	209		407
71.32.050	AMD	209		408
71.32.060	AMD	209		409
71.32.080	AMD	29	E1	423
71.32.100	AMD	209		410
71.32.110	AMD	155		13
71.32.140	AMD	29	E1	424
71.32.140	AMD	155		14
71.32.150	AMD	29	E1	425
71.32.180	AMD	209		411
71.32.200	AMD	209		412
71.32.250	AMD	155		15
71.32.260	AMD	155		16
71.32.260	AMD	209		413
71.34.020	AMD	29	E1	254
71.34.020	AMD	155		17
71.34.305	AMD	29	E1	255
71.34.355	AMD	155		18
71.34.375	AMD	29	E1	256
71.34.385	AMD	29	E1	257
71.34.400	AMD	29	E1	258
71.34.410	AMD	29	E1	259
71.34.420	AMD	29	E1	260
71.34.500	AMD	29	E1	261
71.34.520	AMD	29	E1	262
71.34.600	AMD	29	E1	263
71.34.630	AMD	29	E1	264
71.34.650	AMD	29	E1	265
71.34.660	AMD	29	E1	266
71.34.700	AMD	29	E1	267
71.34.700	AMD	29	E1	268
71.34.710	AMD	29	E1	269
71.34.710	AMD	29	E1	270
71.34.720	AMD	29	E1	271
71.34.720	AMD	29	E1	272
71.34.720	AMD	155		19
71.34.730	REMD	29	E1	273
71.34.730	AMD	155		20
71.34.740	AMD	29	E1	274
71.34.740	AMD	29	E1	275
71.34.750	AMD	29	E1	276
71.34.750	AMD	29	E1	277
71.34.750	AMD	155		21
71.34.760	AMD	29	E1	278
71.34.770	AMD	155		22
71.34.780	AMD	29	E1	279
71.34.780	AMD	29	E1	280
71A.12	ADD	172		2,3
71A.14	ADD	92		2-4
72	ADD	37	E1	3-6
				8,10,11
				13,14
72.09	ADD	29	E1	701
72.09.090	AMD	36	E1	945
72.09.240	AMD	8		1

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72.09.315	AMD	29	E1	426
72.09.370	AMD	29	E1	427
72.09.465	AMD	36	E1	946
72.10.020	AMD	197		8
73.08.005	AMD	76		1
73.16.061	AMD	12		1
74.04	ADD	54		1
74.09	ADD	96		3
74.09	ADD	128		1
74.09	ADD	154		2,4,5
74.09.325	AMD	68		5
74.09.5225	AMD	31	E1	2
74.13	ADD	71		6
74.13.105	REP	71		7
74.13.360	AMD	184		1
74.13.370	AMD	184		2
74.13.372	AMD	184		3
74.14A.060	AMD	197		9
74.15.020	AMD	166		1
74.34.300	AMD	172		4
74.39A	ADD	30	E1	3
74.39A.270	AMD	30	E1	1
74.42.010	REMD	131		3
74.42.230	AMD	148		9
74.42.360	AMD	131		2
74.46.020	AMD	131		4
74.46.437	REP	131		8
74.46.439	REP	131		8
74.46.501	AMD	131		5
74.46.561	AMD	131		1
74.46.581	AMD	131		7
74.46.803	REP	131		8
74.46.807	REP	131		8
74.46.835	AMD	131		6
74.50.070	AMD	29	E1	429
76.04	ADD	109		2
76.04.015	AMD	109		1
77.08.010	REMD	2		2
77.12.170	REMD	30		5
77.12.201	AMD	36	E1	947
77.12.712	AMD	223		1
77.12.714	AMD	223		2
77.12.716	AMD	223		3
77.12.718	AMD	223		4
77.15	ADD	2		3
77.15.085	AMD	2		4
77.15.100	AMD	2		5
77.15.370	AMD	64		1
77.15.400	AMD	64		2
77.15.420	AMD	64		3
77.15.425	AMD	2		6
77.15.568	AMD	21	E1	1
77.32.480	AMD	78		1
77.32.580	AMD	223		5
77.85.140	REMD	197		10
79.13.060	AMD	109		3
79A.05	ADD	185		2
79A.05.025	AMD	103		1
79A.05.030	REMD	103		2
79A.05.160	AMD	185		1
79A.15.010	AMD	149		2
79A.15.030	AMD	149		3
79A.15.040	AMD	149		4
79A.15.050	AMD	149		5
79A.15.060	REMD	149		6
79A.15.070	AMD	149		7
79A.15.080	AMD	149		8
79A.15.110	AMD	149		9
79A.15.130	AMD	149		10
79A.25.260	AMD	151		1
79A.25.310	AMD	7	E1	1
79A.25.350	AMD	197		11
79A.25.370	AMD	7	E1	2
79A.80.090	AMD	36	E1	948
80	ADD	220		1,2
80.36.650	AMD	145		1
80.50.071	AMD	10	E1	1
81.53.281	AMD	14		701
81.104.015	AMD	33		7
81.104.115	AMD	33		8
81.112.180	AMD	33		1
82.04.067	AMD	137		2
82.04.4277	AMD	29	E1	532
82.04.4496	AMD	29		1
82.08	ADD	191		2
82.08	ADD	232		1
82.08.020	AMD	1		2
82.08.809	AMD	32	E1	2
82.12	ADD	191		3
82.12.809	AMD	32	E1	3
82.14.050	AMD	191		4
82.14.055	AMD	46		1
82.14.060	AMD	191		5
82.14.415	AMD	5		1
82.14.510	AMD	207		4
82.16.0496	AMD	29		2
82.23A.020	AMD	161		18
82.23A.902	AMD	161		19
82.24.530	AMD	38	E1	9
82.26.170	AMD	38	E1	28

RCW		CH.		SEC.
82.32	ADD	137		3
82.32.534	AMD	175		1
82.32.585	AMD	175		2
82.32.765	AMD	207		5
82.45.197	AMD	174		2
82.46.015	AMD	138		3
82.46.037	AMD	138		4
82.70.040	AMD	32		3
84.36	ADD	217		2
84.36.805	AMD	217		3
84.36.815	AMD	217		4
84.36.820	AMD	217		5
84.36.840	AMD	217		6
84.36.845	AMD	217		7
84.36.855	AMD	217		8
84.40.320	AMD	202		49
85.28.060	AMD	202		50
88.02	ADD	80		4
88.02.570	AMD	114		1
88.02.570	AMD	114		2
88.32.070	AMD	202		51
88.32.140	AMD	202		52
90.03.650	AMD	36	E1	949
90.16.050	AMD	75		1
90.42	ADD	215		2
90.42.130	AMD	215		1
90.50A.010	AMD	88		1
90.50A.020	AMD	88		2
90.50A.030	AMD	88		3
90.50A.040	AMD	88		4
90.50A.050	AMD	88		5
90.54	ADD	117		1
90.56.335	AMD	36	E1	950
90.58.030	AMD	193		1
91.08.380	AMD	202		53

LAWS 2009			LAWS 2016	
Ch.	Sec.	Action	Ch.	Sec.
420	7	AMD	223	7

LAWS 2011			LAWS 2016	
Ch.	Sec.	Action	Ch.	Sec.
339	40	AMD	223	8

LAWS 2013			LAWS 2016	
Ch.	Sec.	Action	Ch.	Sec.
277	6	REP	122	5

LAWS 2013 2ND SP.S.			LAWS 2016	
Ch.	Sec.	Action	Ch.	Sec.
4	1905	AMD	202	56

LAWS 2015			LAWS 2016	
Ch.	Sec.	Action	Ch.	Sec.
17	16	REP	122	5
122	24	REP	122	5

LAWS 2015 1ST SP.S.			LAWS 2016	
Ch.	Sec.	Action	Ch.	Sec.
10	101	AMD	14	101
10	102	AMD	14	102
10	103	AMD	14	103
10	105	AMD	14	104
10	106	AMD	14	105
10	107	AMD	14	106
10	201	AMD	14	201
10	202	AMD	14	202
10	203	AMD	14	203
10	204	AMD	14	204
10	205	AMD	14	205
10	206	AMD	14	206
10	207	AMD	14	207
10	208	AMD	14	208
10	209	AMD	14	209
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10	213	AMD	14	213
10	214	AMD	14	214
10	215	AMD	14	215
10	216	AMD	14	216
10	217	AMD	14	217
10	219	AMD	14	219
10	220	AMD	14	220
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10	222	AMD	14	222
10	223	AMD	14	223
10	301	AMD	14	301
10	302	AMD	14	302
10	303	AMD	14	303
10	304	AMD	14	304
10	305	AMD	14	305
10	306	AMD	14	306
10	307	AMD	14	307
10	308	AMD	14	308
10	309	AMD	14	309
10	310	AMD	14	310
10	311	AMD	14	311
10	401	AMD	14	401
10	402	AMD	14	402
10	403	AMD	14	403
10	404	AMD	14	404
10	405	AMD	14	406
10	406	AMD	14	407
10	407	AMD	14	408
10	601	AMD	14	601

LAWS 2015 3RD SP.S.			LAWS 2016	
Ch.	Sec.	Action	Ch.	Sec.
4	728	AMD	14	501
4	729	AMD	14	502
4	730	AMD	14	503
4	731	AMD	14	504
4	732	AMD	14	505
4	733	AMD	14	506
4	734	AMD	14	507
4	735	AMD	14	508
43	201	REP	14	702
43	202	REP	14	702
43	203	REP	14	702
43	204	REP	14	702
43	205	REP	14	702
43	206	REP	14	702
43	207	REP	14	702
43	301	REP	14	702
43	302	REP	14	702
43	303	REP	14	702
43	304	REP	14	702
43	305	REP	14	702
43	306	REP	14	702
43	307	REP	14	702
43	308	REP	14	702
43	309	REP	14	702
43	401	REP	14	702
43	502	AMD	14	602
44	410	AMD	29	3

LAWS 2015 3RD SP.S.			LAWS 2016 1ST SP.S.	
Ch.	Sec.	Action	Ch.	Sec.
3		ADD	35	3018

3		ADD	35	3019	3	4002	AMD	35	4001
3		ADD	35	3020	3	5010	AMD	35	5001
3		ADD	35	3021	3	5011	AMD	35	5002
3		ADD	35	3022	3	5012	AMD	35	5003
3	1001	AMD	35	6017	3	5013	AMD	35	5004
3	1013	AMD	35	1003	3	5026	AMD	35	5005
3	1022	AMD	35	1004	3	5028	AMD	35	5006
3	1032	AMD	35	1005	3	5054	AMD	35	5008
3	1033	AMD	35	1006	3	5085	AMD	35	5009
3	1036	AMD	35	1007	3	5086	AMD	35	5010
3	1040	AMD	35	1012	3	5089	AMD	35	5011
3	1072	REP	35	6022	3	5091	AMD	35	5007
3	1076	AMD	35	1014	3	5098	AMD	35	5012
3	1077	AMD	35	1015	3	5099	AMD	35	5013
3	1078	AMD	35	1016	3	7001	AMD	35	6001
3	1079	AMD	35	1017	3	7002	AMD	35	6002
3	1083	AMD	35	1018	3	7012	AMD	35	6007
3	1088	AMD	35	1023	3	7023	AMD	35	6005
3	1095	AMD	35	1024	3	7037	AMD	35	6014
3	1108	AMD	35	1027	3	7038	AMD	35	6015
3	1114	AMD	35	1028	4	101	AMD	36	101
3	2004	AMD	35	2001	4	102	AMD	36	102
3	2016	AMD	35	2003	4	103	AMD	36	103
3	2023	AMD	35	2004	4	104	AMD	36	104
3	2029	AMD	35	2012	4	105	AMD	36	105
3	2035	AMD	35	2013	4	106	AMD	36	106
3	3010	AMD	35	3001	4	107	AMD	36	107
3	3020	AMD	35	3002	4	108	AMD	36	108
3	3022	AMD	35	3003	4	110	AMD	36	109
3	3026	AMD	35	3004	4	111	AMD	36	110
3	3028	AMD	35	3005	4	112	AMD	36	111
3	3033	AMD	35	3006	4	113	AMD	36	112
3	3046	AMD	35	3007	4	114	AMD	36	113
3	3047	AMD	35	3008	4	115	AMD	36	114
3	3054	AMD	35	3009	4	116	AMD	36	115
3	3056	AMD	35	3010	4	117	AMD	36	116
3	3059	AMD	35	3011	4	118	AMD	36	117
3	3062	AMD	35	3012	4	119	AMD	36	118
3	3066	AMD	35	3013	4	120	AMD	36	119
3	3074	AMD	35	3014	4	121	AMD	36	120
3	3075	AMD	35	3015	4	122	AMD	36	121
3	3081	AMD	35	3016	4	123	AMD	36	122
3	3084	AMD	35	3017	4	124	AMD	36	123
3	3109	AMD	35	3023	4	126	AMD	36	124
3	3165	AMD	35	3024	4	127	AMD	36	125
3	3166	AMD	35	3025	4	128	AMD	36	126
3	3179	AMD	35	3026	4	129	AMD	36	127
3	3184	AMD	35	3033	4	130	AMD	36	128
3	3211	AMD	35	3027	4	131	AMD	36	129
3	3229	AMD	35	3029	4	132	AMD	36	130
3	3232	AMD	35	3032	4	133	AMD	36	131
3	3235	AMD	35	3030	4	134	AMD	36	132

4	135	AMD	36	133	4	501	AMD	36	501
4	136	AMD	36	134	4	502	AMD	36	502
4	137	AMD	36	135	4	504	AMD	36	503
4	138	AMD	36	136	4	505	AMD	36	504
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4	140	AMD	36	138	4	508	AMD	36	506
4	141	AMD	36	139	4	509	AMD	36	507
4	142	AMD	36	140	4	510	AMD	36	508
4	143	AMD	36	141	4	511	AMD	36	509
4	144	AMD	36	142	4	512	AMD	36	510
4	145	AMD	36	143	4	513	AMD	36	511
4	146	AMD	36	144	4	514	AMD	36	512
4	147	AMD	36	145	4	515	AMD	36	513
4	148	AMD	36	146	4	516	AMD	36	514
4	149	AMD	36	147	4	517	AMD	36	517
4	150	AMD	36	148	4	601	AMD	36	601
4	151	AMD	36	149	4	605	AMD	36	602
4	201	AMD	36	201	4	606	AMD	36	603
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4	203	AMD	36	203	4	608	AMD	36	605
4	204	AMD	36	204	4	609	AMD	36	606
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4	206	AMD	36	206	4	611	AMD	36	608
4	207	AMD	36	207	4	612	AMD	36	609
4	208	AMD	36	208	4	613	AMD	36	610
4	209	AMD	36	209	4	614	AMD	36	611
4	210	AMD	36	210	4	615	AMD	36	612
4	211	AMD	36	211	4	616	AMD	36	613
4	212	AMD	36	212	4	617	AMD	36	614
4	213	AMD	36	213	4	618	AMD	36	615
4	214	AMD	36	214	4	619	AMD	36	616
4	215	AMD	36	215	4	620	AMD	36	617
4	216	AMD	36	216	4	701	AMD	36	701
4	217	AMD	36	217	4	704	AMD	36	702
4	218	AMD	36	218	4	705	AMD	36	703
4	219	AMD	36	219	4	712	AMD	36	704
4	220	AMD	36	220	4	715	REP	36	711
4	221	AMD	36	221	4	722	AMD	36	710
4	222	AMD	36	222	4	725	AMD	36	705
4	301	AMD	36	301	4	801	AMD	36	801
4	302	AMD	36	302	4	802	AMD	36	802
4	303	AMD	36	303	4	803	AMD	36	803
4	304	AMD	36	304	4	805	AMD	36	804
4	305	AMD	36	305	4	806	AMD	36	805
4	306	AMD	36	306	4	932	AMD	36	908
4	307	AMD	36	307	4	933	AMD	36	909
4	308	AMD	36	308	4	938	AMD	36	910
4	309	AMD	36	309	4	944	AMD	36	911
4	310	AMD	36	310					
4	311	AMD	36	311					
4	401	AMD	36	401					
4	402	AMD	36	402					

ALCOHOLIC BEVERAGES - con't. **Chapter**

MENTAL HEALTH - con't. **Chapter**

METALS

MILITARY (See also VETERANS)

MINORITIES (See also AFRICAN-AMERICANS; DISCRIMINATION; INDIANS; WOMEN)

MORTGAGES AND MORTGAGE BROKERS

MOTOR VEHICLES (See also DRIVERS AND DRIVERS' LICENSES; FUELS; TRAFFIC; TRAFFIC OFFENSES; TRANSPORTATION)

MOTOR VEHICLES - con't. **Chapter**

PUBLIC FUNDS AND ACCOUNTS - con't. **Chapter**

SCHOOLS AND SCHOOL DISTRICTS - con't. **Chapter**

SECRETARY OF STATE (See also CORPORATIONS; ELECTIONS; INITIATIVE AND REFERENDUM; LIMITED LIABILITY COMPANIES)

STATE MEASURES FILED WITH THE SECRETARY OF STATE

INITIATIVES TO THE PEOPLE

For information on Initiatives to the People, see http://secstate.wa.gov/elections/initiatives/statistics.aspx. For additional information, call the Office of the Secretary of State at (360) 902-4180.

INITIATIVES TO THE LEGISLATURE

For information on Initiatives to the Legislature, see http://secstate.wa.gov/elections/initiatives/statistics.aspx. For additional information, call the Office of the Secretary of State at (360) 902-4180.

REFERENDUM MEASURES

For information on Referendum Measures, see http://secstate.wa.gov/elections/initiatives/statistics.aspx. For additional information, call the Office of the Secretary of State at (360) 902-4180.

REFERENDUM BILLS

For information on Referendum Bills, see http://secstate.wa.gov/elections/initiatives/statistics.aspx. For additional information, call the Office of the Secretary of State at (360) 902-4180.

HISTORY OF CONSTITUTIONAL AMENDMENTS ADOPTED SINCE STATEHOOD

No. 1. Section 5, Article XVI. Re: **Permanent School Fund.** Adopted November, 1894.

No. 2. Section 1, Article VI. Re: **Qualification of Electors.** Adopted November, 1896.

No. 3. Section 2, Article VII. Re: **Uniform Rates of Taxation.** Adopted November, 1900.

No. 4. Section 11, Article I. Re: **Religious Freedom.** Adopted November, 1904.

No. 5. Section 1, Article VI. Re: **Equal Suffrage.** Adopted November, 1910.

No. 6. Section 10, Article III. Re: **Succession in Office of Governor.** Adopted November, 1910.

No. 7. Section 1, Article II. Re: **Initiative and Referendum.** Adopted November, 1912.

No. 8. Adding Sections 33 and 34, Article I. Re: **Recall.** Adopted November, 1912.

No. 9. Section 16, Article I. Re: **Taking of Private Property.** Adopted November, 1922.

No. 10. Section 22, Article I. Re: **Right of Appeal.** Adopted November, 1922.

No. 11. Section 4, Article VIII. Re: **Appropriation.** Adopted November, 1922.

No. 12. Section 5, Article XI. Re: **Consolidation of County Offices.** Adopted November, 1924.

No. 13. Section 15, Article II. Re: **Vacancies in the Legislature.** Adopted November, 1930.

No. 14. Article VII. Re: **Revenue and Taxation.** Adopted November, 1930.

No. 15. Section 1, Article XV. Re: **Harbors and Harbor Areas.** Adopted November, 1932.

No. 16. Section 11, Article XII. Re: **Double Liability of Stockholders.** Adopted November, 1940.

No. 17. Section 2, Article VII. Re: **40-Mill Tax Limit.** Adopted November, 1944.

No. 18. Adding Section 40, Article II. Re: **Restriction of motor vehicle license fees and excise taxes on motor fuels to highway purposes only.** Adopted November, 1944.

No. 19. Adding Section 3, Article VII. Re: **State to tax the United States and its instrumentalities to the extent that the laws of the United States will allow.** Adopted November, 1946.

No. 20. Adding Section 1, Article XXVIII. Re: **Legislature to fix the salaries of state elective officials.** Adopted November, 1948.

No. 21. Section 4, Article XI. Re: **Permit counties to adopt "Home Rule" charters.** Adopted November, 1948.

No. 22. Repealing Section 7 of Article XI. Re: **County elective officials.** (These officials can now hold same office more than two terms in succession.) Adopted November, 1948.

No. 23. Adding Section 16, Article XI. Re: **Permitting the formation, under a charter, of combined city and county municipal corporations having a population of 300,000 or more.** Adopted November, 1948.

No. 24. Article II, Section 33. Re: **Permitting ownership of land by Canadians who are citizens of provinces wherein citizens of the State of Washington may own land.** (All provinces of Canada authorize such ownership.) Adopted November, 1950.

No. 25. Adding Section 3(a), Article IV. Re: **Establishing Retirement Age for Judges of Supreme and Superior Courts.** Adopted November, 1952.

No. 26. Adding Section 41, Article II. Re: **Permitting the Legislature to Amend Initiative Measures.** Adopted November, 1952.

No. 27. Section 6, Article VIII. Re: **Extending Bonding Powers of School Districts.** Adopted November, 1952.

No. 28. Sections 6 and 10, Article IV. Re: **Increasing Monetary Jurisdiction of Justice Courts.** Adopted November, 1952.

No. 29. Article II, Section 33. Re: **Redefining "Alien," thereby permitting the Legislature to determine the policy of the state respecting the ownership of land by corporations having alien shareholders.** Adopted November, 1954.

No. 30. Adding Section 1A, Article II. Re: **Increasing the number of signatures necessary to certify a state initiative or referendum measure.** Adopted November, 1956.

No. 31. Section 25, Article III. Re: **Removing the restriction prohibiting the state treasurer from being elected for more than one successive term.** Adopted November, 1956.

No. 32. Section 2, Article XV. Re: **Filling vacancies in the state legislature.** Adopted November, 1956.

No. 33. Section 1, Article XXIV. Re: **Modification of state boundaries by compact.** Adopted November, 1958.

No. 34. Section 11, Article I. Re: **Employment of chaplains at state institutions.** Adopted November, 1958.

No. 35. Section 25, Article II. Re: **Pensions and Employees' Extra Compensation.** Adopted November, 1958.

No. 36. Section 1, Article II by adding a new subsection (e). Re: **Publication and Distribution of Voters' Pamphlet.** Adopted November, 1962.

No. 37. Section 1, Article XXIII. Re: **Publication of Proposed Constitutional Amendments.** Adopted November, 1962.

No. 38. Adding Section 2(c), Article IV. Re: **Temporary Performance of Judicial Duties.** Adopted November, 1962.

No. 39. Adding Section 42, Article II. Re: **Governmental Continuity During Emergency Periods.** Adopted November, 1962.

No. 40. Section 10, Article XI. Re: **Lowering minimum population for first class cities from 20,000 to 10,000. Also changing newspaper publication requirements for proposed charters.** Adopted November, 1964.

No. 41. Section 29, Article IV. Re: **Election of Superior Court Judges.** Adopted November, 1966.

No. 42. Repealing Section 33, Article II and Amendments 24 and 29. Re: **Alien Ownership of Lands.** Adopted November, 1966.

No. 43. Section 3, Article IX. Re: **Funds for Support of the Common Schools.** Adopted November, 1966.

No. 44. Section 5, Article XVI. Re: **Investment of Permanent Common School Fund.** Adopted November, 1966.

No. 45. Adding Section 8, Article VIII. Re: **Port Expenditures—Industrial Development—Promotion.** Adopted November, 1966.

No. 46. Adding Section 1A, Article VI. Re: **Voter Qualifications for Presidential Elections.** Adopted November, 1966.

No. 47. Adding Section 10, Article VII. Re: **Retired Persons Property Tax Exemption.** Adopted November, 1966.

No. 48. Section 3, Article VIII. Re: **Public Special Indebtedness, How Authorized.** Adopted November, 1966.

No. 49. Adding Section 1, Article XXIX. Re: **Investments of Public Pension and Retirement Funds.** Adopted November, 1968.

No. 50. Adding Section 30, Article IV. Re: **Court of Appeals.** Adopted November, 1968.

No. 51. Adding Section 9, Article VIII. Re: **State Building Authority.** Adopted November, 1968.

No. 52. Section 15, Article II. Re: **Vacancies in Legislature and in Partisan County Elective Office.** Also amending Section 6, Article XI. Re: **Vacancies in Township, Precinct or Road District Office.** Adopted November, 1968.

No. 53. Adding Section 11, Article VII. Re: **Taxation Based on Actual Use.** Adopted November, 1968.

No. 54. Adding Section 1, Article XXX. Re: **Authorizing Compensation Increase During Term.** Adopted November, 1968.

No. 55. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1972.

No. 56. Section 24, Article II. Re: **Lotteries and Divorce.** Adopted November, 1972.

No. 57. Section 5, Article XI. Re: **County Government.** Adopted November, 1972.

No. 58. Section 16, Article XI. Re: **Combined City-County.** Adopted November, 1972.

No. 59. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1972.

No. 60. Section 1, Article VIII. Re: **State Debt.** Also amending Section 3, Article VIII. Re: **Special Indebtedness, How Authorized.** Approved November, 1972.

No. 61. Adding new Article XXXI. Re: **Sex Equality, Rights and Responsibilities.** Adopted November, 1972.

No. 62. Section 12, Article III. Re: **Veto Power.** Adopted November, 1974.

No. 63. Section 1, Article VI. Re: **Qualifications of Electors.** Adopted November, 1974.

No. 64. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1976.

No. 65. Section 6, Article IV. Re: **Jurisdiction of Superior Courts.** Also amending Section 10, Article IV. Re: **Justices of the Peace.** Adopted November, 1976.

No. 66. Section 18, Article XII. Re: **Rates for Transportation.** Adopted November, 1977.

No. 67. Repealing Section 14, Article XII. Re: **Prohibition Against Combinations by Carriers.** Adopted November, 1977.

No. 68. Section 12, Article II. Re: **Legislative Sessions, When—Duration.** Adopted November, 1979.

No. 69. Section 13, Article II. Re: **Limitation on Members Holding Office in the State.** Adopted November, 1979.

No. 70. Adding Section 10, Article VIII. Re: **Residential Energy Conservation.** Adopted November, 1979.

No. 71. Adding Section 31, Article IV. Re: **Judicial Qualifications Commission—Removal, Censure, Suspension, or Retirement of Judges or Justices.** Adopted November, 1980.

No. 72. Sections 1 and 1(a), Article II. Re: **Legislative Powers, Where Vested and Initiative and Referendum, Signatures Required.** Adopted November, 1981.

No. 73. Adding Section 1, Article XXXII. Re: **Special Revenue Financing.** Adopted November, 1981.

No. 74. Adding Section 43, Article II. Re: **Redistricting.** Adopted November, 1983.

No. 75. Section 1, Article XXIX. Re: **May be Invested as Authorized by Law.** Adopted November, 1985.

No. 76. Adding Section 11, Article VIII. Re: **Agricultural Commodity Assessments—Development, Promotion, and Hosting.** Adopted November, 1985.

No. 77. Section 31, Article IV. Re: **Commission on Judicial Conduct—Removal, Censure, Suspension, or Retirement of Judges or Justices—Proceedings.** Adopted November, 1986.

No. 78. Section 1, Article XXVIII. Re: **Salaries for Legislators, Elected State Officials, and Judges—Independent Commission—Referendum.** Adopted November, 1986.

No. 79. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1986.

No. 80. Section 7, Article IV. Re: **Exchange of judges—Judge Pro Tempore.** Adopted November, 1987.

No. 81. Section 1, Article VII. Re: **Taxation.** Adopted November, 1988.

No. 82. Section 10, Article VIII. Re: **Residential Energy Conservation.** Adopted November, 1988.

No. 83. Section 3, Article VI. Re: **Who disqualified.** Also amending Section 1, Article XIII. Re: **Educational, reformatory and penal institutions.** Adopted November, 1988.

No. 84. Adding Section 35, Article I. Re: **Victims of Crimes—Rights.** Adopted November, 1989.

No. 85. Section 31, Article IV. Re: **Commission on Judicial Conduct.** Adopted November, 1989.

No. 86. Section 10, Article VIII. Re: **Energy and Water Conservation Assistance.** Adopted November, 1989.

No. 87. Section 6, Article IV. Re: **Jurisdiction of Superior Courts.** Adopted November, 1993.

No. 88. Section 11, Article I. Re: **Religious Freedom.** Adopted November, 1993.

No. 89. Section 3, Article 4. Re: **Election and Terms of Supreme Court Judges.** Adopted November, 1995.

No. 90. Section 2, Article VII. Re: **Limitation on levies.** Adopted November, 1997.

No. 91. Section 10, Article VIII. Re: **Energy, water, or stormwater or sewer services conservation assistance.** Adopted November, 1997.

No. 92. Section 1, Article VIII. Re: **State debt.** Adopted November, 1999.

No. 93. Section 1, Article XXIX. Re: **May be invested as authorized by law.** Adopted November, 2000.

No. 94. Section 7, Article IV. Re: **Exchange of judges - Judge pro tempore.** Adopted November, 2001.

No. 95. Section 2, Article VII. Re: **Limitation on levies.** Adopted November, 2002.

No. 96. Section 15, Article II. Re: **Vacancies in legislative and in partisan county elective office.** Adopted November 2003.

No. 97. Section 31, Article IV. Re: **Commission on judicial conduct.** Adopted November, 2005.

No. 98. Section 1, Article VII. Re: **Taxation.** Adopted November 2006.

No. 99. Section 12, Article VII. Re: **Budget stabilization account.** Adopted November 2007.

No. 100. Section 29, Article II. Re: **Convict labor.** Adopted November 2007.

No. 101. Section 2, Article VII. Re: **Limitation of levies.** Adopted November 2007.

No. 102. Section 6, Article XVI. Re: **Investment of higher education permanent funds.** Adopted November 2007.

No. 103. Section 1, Article VIII. Re: **State debt.** Adopted November 2010.

No. 104. Section 20, Article I. Re: **Bail, when authorized.** Adopted November 2010.

No. 105. Section 1A, Article VI. Re: **Voter qualifications for presidential elections.** Adopted November 2011.

No. 106. Section 12, Article VII. Re: **Budget stabilization account.** Adopted November 2011.

No. 106. Section 12, Article VII. Re: **Budget stabilization account.** Adopted November 2011.

No. 107. Section 1, Article VIII. Re: **State debt.** Adopted November 2012.