

## SIXTY FIFTH LEGISLATURE - REGULAR SESSION

## FIFTY NINTH DAY

House Chamber, Olympia, Wednesday, March 8, 2017

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kathryn Thomas and Matthew Soper. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Michael White, Harbor Covenant Church, Gig Harbor, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2017-4623**, by Representatives Doglio, McCabe, Slatter, Stambaugh, Senn, Van Werven, Kloba, Griffey, Macri, Kraft, Dolan, Rodne, Pellicciotti, Barkis, Frame, Wilcox, Lytton, Caldier, Orwall, Buys, Sullivan, Graves, Sells, Pike, Bergquist, Johnson, Clibborn, Dent, Peterson, Holy, Fey, McDonald, Pettigrew, Haler, Springer, Maycumber, Appleton, Dye, Ryu, Stokesbary, Farrell, Orcutt, Hansen, Shea, Riccelli, Kirby, Blake, Tarleton, Goodman, Wylie, Kilduff, Cody, Morris, Jinkins, Tharinger, McBride, Lovick, Reeves, Kagi, Pollet, Gregerson, Stonier, Chopp, Fitzgibbon, Hudgins, Stanford, Chapman, Robinson, Sawyer, Kristiansen, Santos, Ortiz-Self, and Ormsby

WHEREAS, International Women's Day is a global day celebrating the social, economic, cultural, and political achievements of women. The day also marks a call to action for accelerating gender parity; and

WHEREAS, This year's theme is **Be Bold for Change**; and

WHEREAS, There are numerous examples of women who have been **Bold for Change**, and, in doing so, made their marks on history and changed the world; and

WHEREAS, Harriet Tubman, the famous "conductor" on the Underground Railroad, led hundreds of slaves to freedom. She never lost a fugitive or allowed one to turn back; and

WHEREAS, Anne Frank, who perished in Bergen-Belsen concentration camp, left behind a diary which served as a unique eyewitness account of life during the Holocaust; and

WHEREAS, Former Congresswoman Barbara Jordan was the first black woman elected to the Texas State

Senate and the first African-American Texan in Congress, man or woman. She was a staunch defender of the U.S. Constitution, which, she sometimes noted, had not initially included African-Americans in its "We, the people"; and

WHEREAS, First Lady Eleanor Roosevelt was a leader involved in numerous humanitarian causes, who rejected the "social hostess" role of first lady and turned into a more visible, active participant in the White House administration. She was an early champion for civil rights for African-Americans, and advocated for women, American workers, refugees, and the poor; and

WHEREAS, United States Supreme Court Justice Sandra Day O'Connor was a Presidential Medal of Freedom award recipient and the first woman to serve on the Supreme Court; and

WHEREAS, Condoleezza Rice was the first African-American woman and second woman ever to serve as the United States' National Security Adviser and Secretary of State. She was also the first woman and first African-American to serve as Provost of Stanford University; and

WHEREAS, Representative Ileana Ros-Lehtinen was the first Cuban-American and the first Latina elected to Congress. She's been a strong advocate of programs that address domestic violence against women and was the lead sponsor of the reauthorization of the Violence Against Women Act; and

WHEREAS, Cathy McMorris Rodgers was the first woman to lead the Washington State House Republican Caucus during her service as a state representative. As a Congresswoman, she is the longest-serving woman in Republican leadership, and, as chair of the House Republican Conference, she is the highest-ranking woman in Congress; and

WHEREAS, Washington State Supreme Court Justice Mary Yu is a decorated lawyer with a strong record of service both on and off the bench, and our state's first openly lesbian person and first woman of color to serve on the Washington Supreme Court; and

WHEREAS, According to the World Economic Forum, there is a clear values-based case for promoting gender parity: Women are one-half of the world's population and deserve equal access to health, education, economic participation and earning potential, and political decision-making power;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the contributions of women to our society, economy, and community; and honor all women throughout our state, nation, and world during the celebration of International Women's Day.

Representative Doglio moved adoption of HOUSE RESOLUTION NO. 4623

Representatives Doglio and McCabe spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4623 was adopted.

There being no objection, the House advanced to the eighth order of business.

### MOTIONS

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1661, and the bill was placed on the second reading calendar.

There being no objection, the Committee on Health Care & Wellness was relieved of SENATE BILL NO. 5581, and the bill was referred to the Committee on Business & Financial Services.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

There being no objection, the House reverted to the third order of business.

### MESSAGES FROM THE SENATE

March 7, 2017

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5232,  
SUBSTITUTE SENATE BILL NO. 5403,  
SENATE BILL NO. 5490,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 7, 2017

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5133,  
SUBSTITUTE SENATE BILL NO. 5339,  
SUBSTITUTE SENATE BILL NO. 5340,  
SUBSTITUTE SENATE BILL NO. 5362,  
SENATE BILL NO. 5433,  
SECOND SUBSTITUTE SENATE BILL NO. 5475,  
SUBSTITUTE SENATE BILL NO. 5533,

THIRD SUBSTITUTE SENATE BILL NO. 5558,  
SENATE BILL NO. 5762,  
SENATE BILL NO. 5793,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

There being no objection, the House advanced to the fourth order of business.

### INTRODUCTION & FIRST READING

2SSB 5021 by Senate Committee on Ways & Means (originally sponsored by Senators O'Ban, Frockt, Schoesler, Darneille, Nelson, Pearson, Rolfes, Conway, Sheldon, Fortunato, Fain, Hasegawa and Kuderer)

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

Referred to Committee on Judiciary.

2SSB 5179 by Senate Committee on Ways & Means (originally sponsored by Senators Bailey, Keiser, Palumbo, Hasegawa and Conway)

AN ACT Relating to requiring coverage for hearing instruments under public employee and medicaid programs; adding a new section to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5289 by Senate Committee on Transportation (originally sponsored by Senators Rivers, Lias, Miloscia, Carlyle and Kuderer)

AN ACT Relating to updating the distracted driving infraction; adding new sections to chapter 46.61 RCW; repealing RCW 46.61.667 and 46.61.668; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

ESSB 5294 by Senate Committee on Law & Justice (originally sponsored by Senators Padden and O'Ban)

AN ACT Relating to addressing the department of corrections early release error; amending RCW 72.09.010, 43.06.010, 42.40.040, 49.60.210, and 42.40.110; adding new sections to chapter 72.09 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Public Safety.

SB 5325 by Senators Zeiger and Conway

AN ACT Relating to clarifying the authority of a nurse working in a school setting; adding a new section to chapter 28A.210 RCW; and creating a new section.

Referred to Committee on Education.

SB 5331 by Senators Takko and Warnick

AN ACT Relating to irrigation district administration; and amending RCW 87.03.240, 87.03.445, 87.03.565, and 87.03.820.

Referred to Committee on Local Government.

SB 5333 by Senators Miloscia, Liias, Zeiger and Pearson

AN ACT Relating to the presidential primary; amending RCW 29A.56.010, 29A.56.020, 29A.56.030, 29A.56.040, 29A.56.050, 29A.60.190, 29A.08.161, and 29A.04.206; and adding a new section to chapter 29A.56 RCW.

Referred to Committee on State Government, Elections & Information Technology.

SSB 5358 by Senate Committee on Ways & Means (originally sponsored by Senators Schoesler and Ranker)

AN ACT Relating to improving tax and licensing laws administered by the department of revenue, but not including changes to tax laws that are estimated to affect state or local tax collections as reflected in any fiscal note prepared and approved under the process established in chapter 43.88A RCW; amending RCW 54.28.040, 54.28.050, 54.28.055, 82.32.105, 82.32.350, 82.04.040, 82.04.190, 82.04.050, 82.32.670, 82.32.534, 82.32.585, 82.04.261, 82.04.334, 82.04.43391, 82.32.030, 84.41.041, 35.102.130, 82.04.060, 82.04.190, 82.04.192, 82.04.257, 82.04.258, 82.08.02082, 82.08.02088, 82.12.010, 82.12.020, 82.12.02082, 82.12.02088, 82.12.0259, 82.12.035, 82.12.040, 82.12.860, 82.14.457, 82.04.4277, 84.12.270, 84.12.330, 84.16.040, 84.16.090, 83.100.050, 19.02.115, 82.01.060, and 84.33.089; amending 2015 3rd sp.s. c 30 s 1, and 2015 3rd sp.s. c 6 ss 2301, 2303, and 801 (uncodified); reenacting and amending RCW 84.34.108 and 82.32.790; reenacting RCW 82.04.280; adding a new section to chapter 54.28 RCW; adding a new section to chapter 84.08 RCW; repealing RCW 54.28.030 and 82.04.4483; repealing 2010 c 106 s 206, 2009 c 461 s 3, 2006 c 300 s 7, and 2003 c 149 s 4; creating new sections; and providing effective dates.

Referred to Committee on Finance.

SB 5399 by Senators O'Ban, Miloscia, Darneille, Pearson, Takko and Hunt

AN ACT Relating to the use of background checks for persons who work with children, persons with

developmental disabilities, and vulnerable adults; and amending RCW 35.21.920, 35A.21.370, 36.01.300, and 35.61.130.

Referred to Committee on Local Government.

SSB 5426 by Senate Committee on Commerce, Labor & Sports (originally sponsored by Senator Warnick)

AN ACT Relating to increasing the number of tasting rooms allowed under a domestic winery license; and amending RCW 66.24.170.

Referred to Committee on Commerce & Gaming.

SSB 5435 by Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senators Rivers, Cleveland and Darneille)

AN ACT Relating to specifying to whom information and records related to mental health services may be disclosed for the purposes of care coordination and treatment; amending RCW 70.02.230; reenacting and amending RCW 70.02.230; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SSB 5443 by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Darneille, Miloscia, Becker, Rivers, McCoy, Sheldon, Walsh, Chase, Bailey, Hobbs, Ericksen, Warnick, Angel, Honeyford, Rolfes, Padden, Billig, Zeiger, Wilson, Conway, Fain, Keiser, Hunt and Kuderer)

AN ACT Relating to fiscal notes; amending RCW 43.88A.010 and 43.88A.020; adding a new section to chapter 43.88A RCW; creating a new section; and providing expiration dates.

Referred to Committee on Appropriations.

SSB 5458 by Senate Committee on Law & Justice (originally sponsored by Senator Takko)

AN ACT Relating to changing the date in which community impact statements are provided to the department of corrections; and amending RCW 72.09.285.

Referred to Committee on Public Safety.

SSB 5537 by Senate Committee on Commerce, Labor & Sports (originally sponsored by Senators King and Keiser)

AN ACT Relating to authorizing licensed spirits and wine distributors to sell spirits and wine products to their employees in certain circumstances; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Commerce & Gaming.

SSB 5573 by Senate Committee on State Government (originally sponsored by Senators McCoy, Hunt and Miloscia)

AN ACT Relating to increasing membership of the state interoperability executive committee and foster radio system interoperability; and amending RCW 43.105.331 and 43.105.020.

Referred to Committee on State Government, Elections & Information Technology.

SSB 5589 by Senate Committee on Commerce, Labor & Sports (originally sponsored by Senators Keiser and Baumgartner)

AN ACT Relating to distillery promotional items and spirit sample sales; and amending RCW 66.24.140 and 66.28.310.

Referred to Committee on Commerce & Gaming.

SB 5621 by Senators Brown, Hobbs, Rivers, Sheldon, Ericksen, Warnick, Honeyford, Becker, Braun and Wilson

AN ACT Relating to projects of statewide significance for economic development and transportation; amending RCW 43.157.005 and 43.157.020; reenacting and amending RCW 43.157.010; and creating a new section.

Referred to Committee on Technology & Economic Development.

SB 5632 by Senators O'Ban, Palumbo, Angel, Wilson, Zeiger, Rossi and Padden

AN ACT Relating to organized retail theft; amending RCW 9A.56.350; and prescribing penalties.

Referred to Committee on Public Safety.

SSB 5634 by Senate Committee on Law & Justice (originally sponsored by Senators Padden, Angel, Palumbo, Wilson, Zeiger and Rossi)

AN ACT Relating to aggregating counts of retail theft with special circumstances; and amending RCW 9A.56.360.

Referred to Committee on Public Safety.

SB 5635 by Senators Padden, Pedersen, Angel, Palumbo, O'Ban, Wilson, Rossi and Zeiger

AN ACT Relating to retail theft with special circumstances; amending RCW 9A.56.360; and prescribing penalties.

Referred to Committee on Public Safety.

SB 5660 by Senators Hunt, Becker and Darneille

AN ACT Relating to removing references to specific nonoperational historical facilities from state statute; and amending RCW 27.34.395 and 27.34.900.

Referred to Committee on State Government, Elections & Information Technology.

SB 5661 by Senator Rolfes

AN ACT Relating to interruptive service credit for members of the law enforcement officers' and fire fighters' retirement system; and amending RCW 41.26.520 and 41.26.030.

Referred to Committee on Appropriations.

ESB 5665 by Senators Wilson, Keiser, Conway and King

AN ACT Relating to the use of credit cards for purchases of spirits and wine by a purchaser licensed to sell spirits and/or wine for consumption on the licensed premises; and amending RCW 66.28.270.

Referred to Committee on Commerce & Gaming.

SSB 5713 by Senate Committee on Higher Education (originally sponsored by Senators Palumbo, Wilson, Zeiger and King)

AN ACT Relating to creating the skilled worker outreach, recruitment, and career awareness training program; and adding a new chapter to Title 28C RCW.

Referred to Committee on Higher Education.

ESSB 5729 by Senate Committee on State Government (originally sponsored by Senators Liias, Miloscia and Kuderer)

AN ACT Relating to legislative technology; amending RCW 44.68.010, 44.68.020, 44.68.030, 44.68.035, 44.68.040, 44.68.050, 44.68.060, 44.68.065, 44.68.080, 44.68.085, 44.68.090, 44.68.100, and 44.68.105; and decodifying RCW 44.68.900.

Referred to Committee on State Government, Elections & Information Technology.

2SSB 5749 by Senate Committee on Ways & Means (originally sponsored by Senators Darneille, Frockt, Kuderer, Warnick and Saldaña)

AN ACT Relating to paperwork reduction in order to improve the availability of mental health services to protect children and families; adding a new section to

chapter 71.24 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

SB 5778 by Senators Wilson and Zeiger

AN ACT Relating to modifying the definition of resident student to comply with the federal requirements established by the veterans access, choice, and accountability act of 2014; and amending RCW 28B.15.012.

Referred to Committee on Higher Education.

ESSB 5781 by Senate Committee on Commerce, Labor & Sports (originally sponsored by Senators Fortunato and Baumgartner)

AN ACT Relating to special occasion and banquet provisions for charitable or nonprofit organizations; amending RCW 66.24.380, 66.28.070, 66.28.180, 66.24.170, 66.28.295, and 66.28.310; and reenacting and amending RCW 66.20.010.

Referred to Committee on Commerce & Gaming.

ESSB 5810 by Senate Committee on Law & Justice (originally sponsored by Senator Padden)

AN ACT Relating to adding attempted murder to the list of offenses that may not be prosecuted more than ten years their commission; and amending RCW 9A.04.080.

Referred to Committee on Public Safety.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1042, by Representatives Springer, Harris, Jinkins, Fitzgibbon, Tharinger and Sawyer**

**Eliminating the office of the insurance commissioner's school district or educational service district annual report.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Springer spoke in favor of the passage of the bill.

Representative Taylor spoke against the passage of the bill.

## MOTION

On motion of Representative Hayes, Representative Smith was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1042.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1042, and the bill passed the House by the following vote: Yeas, 50; Nays, 47; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Graves, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Koster, Kraft, Kretz, Kristiansen, McEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Stambaugh, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, J. Walsh, Wilcox and Young.

Excused: Representative Smith.

HOUSE BILL NO. 1042, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1281, by Representatives Fitzgibbon and Stokesbary**

**Modifying the appointment process for trustees of rural county library districts in counties with one million or more residents.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fitzgibbon and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1281.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1281, and the bill passed the House by the following vote: Yeas, 82; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Haler, Hansen, Hargrove, Hayes, Hudgins, Irwin, Jenkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Koster, Kraft, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, McCabe, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Van Werven, J. Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Griffey, Harmsworth, Harris, Holy, Jenkin, Kretz, Maycumber, McCaslin, Shea, Taylor, Vick, Volz and Young.

Excused: Representative Smith.

HOUSE BILL NO. 1281, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1716, by Representatives Hudgins and Manweller**

**Creating the construction registration inspection account as a dedicated account to fund contractor registration and compliance, manufactured and mobile homes, recreational and commercial vehicles, factory built housing and commercial structures, elevators, lifting devices, and moving walks.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins, Manweller and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1716.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1716, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jenkins,

Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Koster, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Van Werven, Vick, Volz, J. Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Smith.

HOUSE BILL NO. 1716, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1861, by Representatives Pollet, Haler, Stanford, Tharinger and Santos**

**Concerning the University of Washington's alternative process for awarding contracts.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pollet spoke in favor of the passage of the bill.

Representatives Holy, Buys and DeBolt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1861.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1861, and the bill passed the House by the following vote: Yeas, 52; Nays, 45; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Chapman, Clibborn, Cody, Doglio, Dolan, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Hudgins, Jenkins, Kagi, Kilduff, Kirby, Kloba, Lovick, Lytton, Macri, McBride, Morris, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Graves, Griffey, Hargrove, Harmsworth, Harris, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Koster, Kraft, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCabe, McCaslin, McDonald, Muri, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, J. Walsh, Wilcox and Young.

Excused: Representative Smith.

HOUSE BILL NO. 1861, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2066, by Representative Kretz**

**Authorizing the creation of regional transportation planning organizations by large counties.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kretz and Wylie spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2066.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2066, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Koster, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Van Werven, Vick, Volz, J. Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representative Taylor.  
Excused: Representative Smith.

HOUSE BILL NO. 2066, having received the necessary constitutional majority, was declared passed.

**HOUSE CONCURRENT RESOLUTION NO. 4402, by Representatives Sells, Haler, Pollet, Senn, Condotta, Stambaugh, Kilduff, Dolan, Bergquist, Stonier, Muri, Tarleton, Gregerson, Ormsby and Ortiz-Self**

**Approving the 2016 state comprehensive plan for workforce training and education.**

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final passage.

Representatives Sells and Holy spoke in favor of the adoption of the resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the adoption of House Concurrent Resolution No. 4402.

HOUSE CONCURRENT RESOLUTION NO. 4402 was adopted.

**HOUSE BILL NO. 1058, by Representative MacEwen**

**Changing provisions relating to court-ordered restitution in certain criminal cases.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives MacEwen and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1058.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1058, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Koster, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Van Werven, Vick, Volz, J. Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Smith.

HOUSE BILL NO. 1058, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1148, by Representatives J. Walsh, Chapman, Vick, Blake, Orcutt and Muri**

**Extending the expiration date for reporting requirements on timber purchases.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives J. Walsh, Chapman, Blake, Vick, McCaslin and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1148.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1148, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Koster, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Van Werven, Vick, Volz, J. Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Smith.

HOUSE BILL NO. 1148, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Vick congratulated Representative J. Walsh on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**HOUSE BILL NO. 1472, by Representatives Hudgins, Koster, Haler, Griffey, Manweller, Muri and Ormsby**

**Criminalizing damaging, destroying, tampering, or removing ballot return boxes or contents.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1472 was substituted for House Bill No. 1472 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1472 was read the second time.

With the consent of the House, amendment (305) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1472.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1472, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Koster, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Van Werven, Vick, Volz, J. Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Smith.

SUBSTITUTE HOUSE BILL NO. 1472, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the third order of business.

#### MESSAGE FROM THE SENATE

March 7, 2017

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5131,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5312,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5465,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5620,  
ENGROSSED SENATE BILL NO. 5647,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5659,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

There being no objection, the House advanced to the sixth order of business.

## SECOND READING

### HOUSE BILL NO. 2008, by Representatives Kagi, Jinkins and Senn

#### Addressing the budgeting process for core state services for children.

The bill was read the second time.

With the consent of the House, amendments ( 312), (313) and (319) were withdrawn.

Representative Hargrove moved the adoption of amendment (315):

On page 4, after line 11, insert the following:

"NEW SECTION. Sec. 5. The department of social and health services children's administration shall, as part of its budget request submittal for the 2018 supplemental operating budget, conduct of a review of the most recent caseload forecast of children in foster care and the availability and capacity of licensed foster homes. The review shall include:

- (a) an analysis of the need for licensed foster homes;
- (b) a listing of support resources available for parents in licensed foster homes; and
- (c) a review of department policies that affect the recruitment and retention of licensed foster homes.

A report containing the results of the review shall be submitted to the office of financial management and appropriated committees of the legislature no later than October 1, 2017.

NEW SECTION. Sec. 6. Section 5 of this act expires on October 1, 2017."

Representatives Hargrove and Kagi spoke in favor of the adoption of the amendment.

Amendment (315) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Senn spoke in favor of the passage of the bill.

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2008.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2008, and the bill passed the House by the following vote:Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Farrell, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Hansen, Hargrove, Harris, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Kraft, Lovick, Lytton, MacEwen, Macri, McBride, McCabe, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Haler, Harmsworth, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Koster, Kretz, Kristiansen, Manweller, Maycumber, McCaslin, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz, J. Walsh, Wilcox and Young.

Excused: Representative Smith.

ENGROSSED HOUSE BILL NO. 2008, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1851, by Representatives Dolan, Harris, Hudgins, MacEwen, Kilduff, Haler, Robinson, Bergquist, Fitzgibbon, Doglio, Pollet, Ormsby and Stanford

#### Protecting taxpayers by providing for accountability and transparency in government contracting.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1851 was substituted for House Bill No. 1851 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1851 was read the second time.

With the consent of the House, amendment (232) was withdrawn.

Representative Kraft moved the adoption of the striking amendment (314):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** It is the intent of the legislature to increase transparency and accountability of the work performed by private entities and nonprofit organizations pursuant to contracts and the work performed by

public employees pursuant to project plans by requiring better evaluation of their performance. Such evaluation should include an assessment of whether decisions to "contract out" government goods and services to the private sector are achieving their stated objectives. In addition, it is the intent of the legislature to ensure that public contractors and agencies given access to state resources are held to ethical standards consistent with public values.

NEW SECTION. **Sec. 2.** A new section is added to chapter 39.26 RCW to read as follows:

(1) Prior to issuing a request for a proposal under this chapter to contract out to purchase from a private sector entity or nonprofit organization goods and services that have been customarily and historically provided by a public employee or employees, an agency must meet the criteria specified in RCW 41.06.142 and also conduct a comprehensive impact assessment if the estimated cost of contract performance is greater than twenty thousand dollars. This section applies only to contracts entered under this chapter and does not apply to contracts awarded under alternate procurement statutes or to contracts awarded for the purposes of or by the department of transportation.

(a) To assist the agency in determining whether the decision to contract out is beneficial, the comprehensive impact assessment must include at a minimum the following comparative analysis of the estimated costs of providing the goods and services through public employees and the costs of providing the goods and services through a contract:

(i) For goods and services provided by public employees:

(A) An estimate of the cost of the goods and services, including the fully allocated costs of the good or service, the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. The estimate shall include the state's indirect overhead costs that can be specifically attributed to delivering the goods and services over the period of the proposed contract; and

(B) A statement of the performance objectives to be achieved; and

(ii) For goods and services contracted out:

(A) An estimate of the cost of the goods and services, including the cost of allocating sufficient public employee staff time and resources to monitor the contract and ensure its proper performance by the contractor; and

(B) A statement of the performance objectives to be achieved by contracting with a private sector or nonprofit entity.

(b) The comprehensive assessment may also include an assessment of the potential impacts on the public from outsourcing the contract, such as gain or loss of employment, effect on social services and public assistance programs, economic impacts on local businesses and local tax revenues, and environmental impacts.

(2) Upon completion of the comprehensive impact assessment required under subsection (1) of this section a written record must be prepared:

(a) If an agency decides to contract out a good or service that has been customarily and historically provided by public employees, the agency must prepare a written record of the basis of the decision and provide it to the department. The written record must include the comprehensive impact assessment and an itemization of performance standards in the contract for the goods or services.

(b) If an agency decides to provide the good or service through public employees, the agency must prepare a written record of the basis of the decision and provide it to the department. The written record must include the comprehensive impact assessment and a quantifiable analysis demonstrating the agency's ability to meet or exceed performance standards in the agency project plan for providing the goods or services.

(c) The agency must maintain the written record in the agency's files for five years or the term of the contract, whichever is longer.

(3) Every five years or upon completion of the contract or provision of the goods or services by the agency's public employees, whichever comes first, the agency must prepare and file with the

department a report, which must include at a minimum the following information:

(a) Documentation of the contractor's or agency's performance as measured by the itemized performance standards;

(b) Itemization of any contract extensions or change orders made by the contractor or comparable project plan revisions by the agency that resulted in a change in the dollar value or cost of the goods or services; and

(c) A report of any remedial actions that were taken to enforce compliance with the contract or project plan, together with an estimate of the cost incurred by the public in enforcing such compliance.

(4) In addition to any other terms required by law:

(a) For goods and services contracted out, the terms of the contract must include the following:

(i) A cancellation clause allowing the agency to cancel the contract if the contractor fails to meet quality standards or budget specifications;

(ii) Terms ensuring periodic review of performance of the contract on a semiannual basis or more frequently;

(iii) Terms requiring the contractor to reimburse the agency for certain additional costs including, but not limited to, the costs of the agency's employee time to mitigate or otherwise perform a contract that failed inspection, that the contractor failed to complete on schedule, or that the contractor failed to complete to specified quality standards;

(iv) A term requiring the contractor to make available to the agency the following information at the start of the contract's term and updated each fiscal year:

(A) The name and license number, if applicable, of the contractor and all subcontractors; and

(B) A list of individuals or entities performing or providing the goods or services, reflected as full-time equivalent positions, including the hourly wage rate for each position, and the status of the individual as an employee, subcontractor, independent contractor, or consultant of the contractor; and

(v) A waiver of confidentiality of, and agreement to provide to the agency upon request, basic financial information related to the contract, other than financial, commercial, or proprietary information specifically exempted from disclosure to the public under RCW 42.56.270; or

(b) For goods and services provided by public employees, the terms of an agency project plan must include the following:

(i) A clause allowing the agency to cancel the good or service if the agency fails to meet quality standards or budget specifications;

(ii) Terms ensuring periodic review of performance of the project plan on a semiannual basis or more frequently;

(iii) Terms requiring the agency to absorb certain additional costs including, but not limited to, the costs of the agency's employee time to mitigate or otherwise perform a project plan that failed inspection, that the agency failed to complete on schedule, or that the agency failed to complete to specified quality standards. In circumstances in which agencies are required to absorb certain additional costs or employee business units and other agencies are required to compensate an agency for certain additional costs, funds appropriated, allotted, or otherwise intended for other purposes may not be used to supplement or supplant funds for the purpose of acquiring the good or service; and

(iv) A term requiring the agency to make available to the department the following information at the start of the project plan and updated each fiscal year:

(A) The name and license number, if applicable, of any contractors and subcontractors; and

(B) A list of individuals or entities performing or providing the goods or services, reflected as full-time equivalent positions, including the hourly wage rate for each position, and the status of the individual as an employee, subcontractor, independent contractor, or consultant of the agency.

(5) The provisions applicable to contracts with a private sector entity or nonprofit organization set forth in this section also apply to contracts with employee business units under RCW

41.06.142 and interlocal agreements with other agencies under chapter 39.34 RCW.

**Sec. 3.** RCW 39.26.180 and 2012 c 224 s 20 are each amended to read as follows:

(1) The department must adopt uniform policies and procedures for the effective and efficient management of contracts or agency project plans by all state agencies. The policies and procedures must, at a minimum, include:

(a) Precontract procedures for selecting potential contractors based on their qualifications and ability to perform, including procedures to ensure compliance with chapter 39.19 RCW, providing for participation of minority and women-owned businesses;

(b) Model complaint and protest procedures;

(c) Alternative dispute resolution processes;

(d) Incorporation of performance measures and measurable benchmarks in contracts or agency project plans;

(e) Model ~~((contract))~~ terms to ensure ~~((contract))~~ performance and compliance with state and federal standards, including terms to facilitate recovery of the costs of public employee staff time that must be expended to achieve substantial compliance;

(f) Executing contracts using electronic signatures;

(g) Criteria for contract or project plan amendments;

(h) Postcontract or postproject procedures;

(i) Procedures and criteria for terminating contracts or project plans for cause or otherwise, including procedures and criteria for not achieving performance standards; and

(j) Any other subject related to effective and efficient contract or project plan management.

(2) An agency may not enter into a contract or adopt a project plan under which the contractor or agency could charge additional costs to the agency, the department, the joint legislative audit and review committee, or the state auditor for access to data generated under the contract or project plan. A contractor or agency under such a contract or project plan must provide

access to data generated under the contract or project plan to the contracting agency or department, the joint legislative audit and review committee, and the state auditor.

(3) To the extent practicable, agencies should enter into performance-based contracts or adopt performance-based project plans. Performance-based contracts and project plans identify expected deliverables and performance measures or outcomes. Performance-based contracts and project plans also use appropriate techniques, which may include, but are not limited to, either consequences or incentives or both to ensure that agreed upon value to the state is received. Payment for goods and services under performance-based contracts should be contingent on ~~((the contractor))~~ achieving performance outcomes. Agencies or the department must monitor performance-based contracts or project plans at least on a semiannual basis to ensure that all aspects are being properly performed and that performance standards are being achieved.

(4) An agency and contractor may execute a contract using electronic signatures.

(5) As used in subsection (2) of this section, "data" includes all information that supports the findings, conclusions, and recommendations of the contractor's or agency's reports, including computer models and the methodology for those models.

(6) The provisions applicable to contracts and contractors set forth in this section also apply to contracts with employee business units under RCW 41.06.142 and interlocal agreements with other agencies under chapter 39.34 RCW.

**Sec. 4.** RCW 43.19.008 and 2011 1st sp.s. c 43 s 104 are each amended to read as follows:

(1) The executive powers and management of the department, and oversight through review or audit by the office of financial management, the joint legislative audit and review committee, or state auditor, shall be administered as described in this section.

(2) The executive head and appointing authority of the department is the director. The director is appointed by the governor, subject to confirmation by the senate. The director serves at the

pleasure of the governor. The director is paid a salary fixed by the governor in accordance with RCW 43.03.040. If a vacancy occurs in the position of director while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate at which time he or she shall present to that body his or her nomination for the position.

(3) The director may employ staff members, who are exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter, and such other duties as may be authorized by law. The director may delegate any power or duty vested in ~~((him or her))~~ the position by chapter 43, Laws of 2011 1st sp. sess. or other law, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW.

(4) The internal affairs of the department are 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 has complete charge and supervisory powers over the department. The director may create the administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

(5) Until June 30, ~~((2018))~~ 2019, at the beginning of each fiscal biennium, unless the joint legislative audit and review committee or the state auditor is otherwise directed to do so in the omnibus operating budget, the office of financial management shall conduct a review of the programs, goods, and services that are performed by the department to determine whether the program, goods, or services may be performed by the private sector, an employee business unit under RCW 41.06.142, or another agency pursuant to an interlocal agreement under chapter 39.34 RCW in a more cost-efficient and effective manner than being performed by the department. In conducting this review, the office of financial management shall:

(a) Examine the existing activities currently being performed by the department, including but not limited to an examination of goods or services for their performance, cost compared to revenue impact, staffing, capital requirements, and mission. Programs may be broken down into discrete goods, services, or activities or reviewed as a whole; and

(b) Examine the activities to determine which specific goods or services are available in the marketplace and what potential for efficiency gains or savings exist.

(i) As part of the review in this subsection (5), the office of financial management shall select up to six activities, goods, or services that have been determined as an activity that may be provided by the private sector in a cost-effective and efficient manner ~~((including for the 2011-2013 fiscal biennium the bulk printing services))~~. The office of financial management may consult with affected industry stakeholders in making its decision on which activities to contract for goods or services. Priority for selection shall be given to agency activities, goods, or services that are significant, ongoing functions or projects with an initial project plan of two hundred fifty thousand dollars or more.

(ii) The office of financial management must consider the consequences and potential mitigation of improper or failed performance by the contractor or agency, if the activity was performed by public employees.

(iii) For each of the selected activities, the department or agency shall use a request for information, request for proposal, or other procurement process to determine if a contract for the activity would result in the activity being provided at a reduced cost and with greater efficiency. This must include, but is not limited to, consideration of the cost of the agency staff time and resources that may be required to monitor and ensure proper performance of the contract by the contractor or project plan by the agency.

(iv) The request for information, request for proposal, or other procurement process must contain measurable standards for the performance of the contract.

(v) If contracting out will afford taxpayers a cost savings or efficiency, the department may contract with one or more vendors to provide the good or service as a result of the procurement process.

(vi) If the office of financial management determines via the procurement process that the activity cannot be provided by the private sector at a reduced cost and greater efficiency, the department of enterprise services may cancel the procurement without entering into a contract and shall promptly notify the legislative fiscal committees of such a decision along with the cost analysis and basis for the decision.

(vii) The department of enterprise services, in consultation with the office of financial management, must establish a contract or project plan monitoring process to measure contract or project plan performance, costs, service delivery quality, and other contract or project plan standards, and to cancel contracts or projects that do not meet those standards. No contracts or project extensions, expansions, future upgrades, or phases may be renewed without a review of these measures.

(viii) The office of financial management shall prepare a biennial report summarizing the results of the examination of the agency's programs, goods, and services. In addition to the programs, goods, and services examined and the result of the examination, the report shall provide information on any procurement process that does not result in a contract for the goods or services. The biennial report must include updates reporting any unanticipated costs incurred as a result of contracting out or from the agency providing the goods or services pursuant to this section and an estimate of staff hours devoted by employees of the office of financial management and department of enterprise services in conducting the program review required by this section. During each regular legislative session held in odd-numbered years, the legislative fiscal committees shall hold a public hearing on the report and the department's activities under this section. This report must be made available on the web site of the agency that was the subject of the report.

(ix) The joint legislative audit and review committee shall conduct an audit of the implementation of this subsection

(5), and report to the legislature by January 1, 2018, on the results of the audit. The report must include an analysis and estimate of additional costs or savings to taxpayers as a result of the contracting out or project plan provisions. This analysis must, at a minimum, include the following:

(A) An estimate of the cost of performance of the selected activities, if the activities had been performed by public employees;

(B) An estimate of the cost of performance of the contract or project plan by the contractor, including the cost of any change orders, project plan, or contract revisions and the costs of allocating sufficient public employee staff time and resources to monitor the contract and ensure its proper performance by the contractor;

(C) An analysis of the extent to which performance objectives were achieved by outsourcing the contract or by having the agency perform the activity; and

(D) An assessment of potential impacts on the public of outsourcing the contract or by having the agency perform the activities.

**Sec. 5.** RCW 39.26.200 and 2015 c 44 s 1 are each amended to read as follows:

(1)(a) The director shall provide notice to the contractor of the director's intent to either fine or debar with the specific reason for either the fine or debarment. The department must establish the debarment and fining processes by rule.

(b) After reasonable notice to the contractor and reasonable opportunity for that contractor to be heard, the director has the authority to debar a contractor for cause from consideration for award of contracts. The debarment must be for a period of not more than three years.

(2) The director may either fine or debar a contractor based on a finding of one or more of the following causes:

(a) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

(b) Conviction or a final determination in a civil action under

state or federal statutes of fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, violation of the federal false claims act, 31 U.S.C. Sec. 3729 et seq., or the state medicaid fraud false claims act, chapter 74.66 RCW, or any other offense indicating a lack of business integrity or business honesty that currently, seriously, and directly affects responsibility as a state contractor;

(c) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;

(d) Two or more violations within the previous five years of the (~~federal~~) national labor relations act as determined by the national labor relations board or court of competent jurisdiction;

(e) Violation of contract provisions, as set forth in this subsection, of a character that is regarded by the director to be so serious as to justify debarment action:

(i) Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or

(ii) A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, however the failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor may not be considered to be a basis for debarment;

(f) Violation of ethical standards set forth in RCW 39.26.020; and

(g) Any other cause the director determines to be so serious and compelling as to affect responsibility as a state contractor, including debarment by another governmental entity for any cause listed in regulations.

(3) The director must issue a written decision to debar. The decision must:

(a) State the reasons for the action taken; and

(b) Inform the debarred contractor of the contractor's rights to judicial or administrative review.

**Sec. 6.** RCW 41.06.142 and 2011 1st sp.s. c 43 s 408 are each amended to read as follows:

(1) Any department, agency, or institution of higher education may purchase services, including services that have been customarily and historically provided by employees in the classified service under this chapter, by contracting with individuals, nonprofit organizations, businesses, employee business units, or other entities if the following criteria are met:

(a) The invitation for bid or request for proposal contains measurable standards for the performance of the contract;

(b) Employees in the classified service whose positions or work would be displaced by the contract are provided an opportunity to offer alternatives to purchasing services by contract and, if these alternatives are not accepted, compete for the contract under competitive contracting procedures in subsection (4) of this section;

(c) The contract with an entity other than an employee business unit includes a provision requiring the entity to consider employment of state employees who may be displaced by the contract;

(d) The department, agency, or institution of higher education has established a contract monitoring process to measure contract performance, costs, service delivery quality, and other contract standards, and to cancel contracts that do not meet those standards; and

(e) The department, agency, or institution of higher education has determined that the contract results in savings or efficiency improvements. The contracting agency must consider the consequences and potential mitigation of improper or failed performance by the contractor.

(2) Any provision contrary to or in conflict with this section in any collective bargaining agreement in effect on July 1, 2005, is not effective beyond the expiration date of the agreement.

(3) Contracting for services that is expressly mandated by the legislature or was authorized by law prior to July 1, 2005, including contracts and agreements between public entities, shall not be subject to the processes set forth in subsections (1), (4), and (5) of this section.

(4) Competitive contracting shall be implemented as follows:

(a) At least ninety days prior to the date the contracting agency requests bids from private entities for a contract for services provided by classified employees, the contracting agency shall notify the classified employees whose positions or work would be displaced by the contract. The employees shall have sixty days from the date of notification to offer alternatives to purchasing services by contract, and the agency shall consider the alternatives before requesting bids.

(b) If the employees decide to compete for the contract, they shall notify the contracting agency of their decision. Employees must form one or more employee business units for the purpose of submitting a bid or bids to perform the services.

(c) The department of enterprise services, with the advice and assistance of the office of financial management, shall develop and make available to employee business units training in the bidding process and general bid preparation.

(d) The director of enterprise services, with the advice and assistance of the office of financial management, shall, by rule, establish procedures to ensure that bids are submitted and evaluated in a fair and objective manner and that there exists a competitive market for the service. Such rules shall include, but not be limited to: (i) Prohibitions against participation in the bid evaluation process by employees who prepared the business unit's bid or who perform any of the services to be contracted; (ii) provisions to ensure no bidder receives an advantage over other bidders and that bid requirements are applied equitably to all parties; and (iii) procedures that require the contracting agency to receive complaints regarding the bidding process and to consider them before awarding the contract. Appeal of an agency's actions under this subsection is an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act, with the final decision to be rendered by an administrative law judge assigned under chapter 34.12 RCW.

(e) An employee business unit's bid must include the fully allocated costs of

the service, including the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. An employee business unit's cost shall not include the state's indirect overhead costs unless those costs can be attributed directly to the function in question and would not exist if that function were not performed in state service.

(f) A department, agency, or institution of higher education may contract with the department of enterprise services to conduct the bidding process.

(5) As used in this section:

(a) "Employee business unit" means a group of employees who perform services to be contracted under this section and who submit a bid for the performance of those services under subsection (4) of this section.

(b) "Indirect overhead costs" means the pro rata share of existing agency administrative salaries and benefits, and rent, equipment costs, utilities, and materials associated with those administrative functions.

(c) "Competitive contracting" means the process by which classified employees of a department, agency, or institution of higher education compete with businesses, individuals, nonprofit organizations, or other entities for contracts authorized by subsection (1) of this section.

(6) The processes set forth in subsections (1), (4), and (5) of this section do not apply to:

(a) RCW 74.13.031(~~(5)~~) (6); and

(b) The acquisition of printing services by a state agency(~~, and~~

~~(c) Contracting for services or activities by the department of enterprise services under RCW 43.19.008 and the department may continue to contract for such services and activities after June 30, 2018.~~

~~(7) The processes set forth in subsections (1), (4), and (5) of this section do not apply to the consolidated technology services agency when contracting for services or activities as follows:~~

~~(a) Contracting for services and activities that are necessary to~~

~~establish, operate, or manage the state data center, including architecture, design, engineering, installation, and operation of the facility that are approved by the technology services board created in RCW 43.41A.070.~~

~~(b) Contracting for services and activities recommended by the chief information officer through a business plan and approved by the technology services board created in RCW 43.41A.070).~~

NEW SECTION. Sec. 7. This act may be known and cited as the "taxpayer protection act."

Correct the title.

Representative Kraft spoke in favor of the adoption of the striking amendment.

Amendment (314) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dolan spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1851.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1851, and the bill passed the House by the following vote: Yeas, 69; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harris, Hayes, Hudgins, Irwin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Lovick, Lytton, MacEwen, Macri, McBride, McCabe, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, Volz, J. Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Graves, Hargrove, Harmsworth, Holy, Jenkin, Koster, Kretz, Kristiansen, Manweller, Maycumber, McCaslin, Nealey, Orcutt, Pike, Rodne, Schmick, Shea, Steele, Stokesbary, Taylor, Van Werven, Vick and Young

Excused: Representative Smith.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1851, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1967, by Representatives Stanford, Ormsby and Pollet**

**Concerning noncompetition agreements.**

The bill was read the second time.

With the consent of the House, amendment (296) was withdrawn.

Representative Stanford moved the adoption of the striking amendment (316):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.44 RCW to read as follows:

(1) An unreasonable noncompetition agreement is void and unenforceable. If a court finds a noncompetition agreement unreasonable, it may reform the agreement to make it reasonable and enforceable. If a court reforms an agreement, the party seeking to declare the agreement void shall be deemed the prevailing party for purposes of the agreement and under law.

(2) For a noncompetition agreement to be enforceable, the employer must disclose the terms of the agreement in writing to the prospective employee no later than the time of the acceptance of the offer of employment or, if the agreement is entered into after the commencement of employment, the employer must provide independent consideration for the agreement.

(3) The reformation or unenforceability of a noncompetition agreement does not affect the enforceability of any form of confidentiality, nonsolicitation, or other agreement, or any other terms and conditions between the parties, regardless of whether the other agreement or terms or conditions are contained in the same document as a noncompetition agreement.

(4) If an employer requires an employee to enter into a noncompetition agreement containing provisions the employer knows are unenforceable, the employee may recover actual damages, together with statutory damages of five thousand dollars and reasonable attorneys' fees and costs.

(5) For purposes of this section:

(a) "Confidentiality agreement" means an agreement between an employer and employee that protects proprietary and confidential information including sales information, business strategies and plans, customer information, price information, and trade secrets as defined in RCW 19.108.010.

(b) "Employee" means an employee of an employer.

(c) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other entity that engages in any business, industry, profession, or activity in this state and employs one or more employees, and includes the state, counties, cities, all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations.

(d) "Noncompetition agreement" means an agreement between an employer and an employee that is specifically designed to impede the ability of an employee to compete with the employer upon the termination of the employment relationship. A "noncompetition agreement" does not include a confidentiality agreement or a nonsolicitation agreement.

(e) "Nonsolicitation agreement" means an agreement between an employer and employee that prohibits solicitation by an employee, upon termination of employment: (i) Of any employee of the employer to leave the employer; or (ii) of any customer of the employer to cease doing business with the employer or to compete with the employer.

(6) Except as provided in this section, this section does not restrict the right of an employer from entering into a confidentiality or nonsolicitation agreement, or other terms and conditions of the employment or engagement, with an employee.

NEW SECTION. Sec. 2. This act applies to agreements entered into on or after the effective date of this section."

Correct the title.

Representatives Stanford and Manweller spoke in favor of the adoption of the striking amendment.

Amendment (316) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Stanford spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1967.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1967, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Koster, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Van Werven, Vick, Volz, J. Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Smith.

ENGROSSED HOUSE BILL NO. 1967, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1886, by Representatives Harris, Santos and Pollet

**Concerning the responsibilities of the superintendent of public instruction and the state board of education. Revised for 1st Substitute: Concerning the responsibilities of the superintendent of public instruction and the state board of education.**

The bill was read the second time.

There being no objection Substitute House Bill No. 1886 was substituted for House Bill No. 1886 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1886 was read the second time.

Representative Santos moved the adoption of the striking amendment (318):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature recognizes that it is charged by the state Constitution, and entrusted by the voters, to be the principal public policy setting body of Washington state. The legislature recognizes also that a critical component of its policy setting obligations centers upon establishing and amending well-considered and appropriate governance provisions for the K-12 education system.

(2) The legislature finds that the K-12 education system is a constantly evolving barometer of change that reflects the growth, complexity, and diversity of the state. While the state's K-12 education system can be traced to Washington's first territorial legislature, properly responding to the needs and expectations of a system that is devoted to providing a high quality education to more than one million students requires continual evaluations and refinements.

(3) The legislature recognizes that the challenges of setting state education policy are compounded by two important considerations: (a) An evolving federal role in education issues that began in the 1960s and has changed the interplay between states and the federal government by establishing specific responsibilities for the principal state education agency in each state; and (b) the existence of two Washington state educational agencies with territorial roots, the office of the superintendent of public instruction and the state board of education. Furthermore, the legislature recognizes that the division of responsibilities between these state agencies is multifaceted, as the elected superintendents of public instruction served, from 1897 until recently, as the ex-officio presidents of the state board of education.

(4) The legislature, therefore, intends to promote the improved functioning of the K-12 education system by acting upon its public policy setting authority to examine specific K-12 governance and responsibilities considerations. To accomplish this objective, the legislature intends to convene a task force to develop recommendations regarding the appropriate division of duties between the superintendent of public instruction and the state board of education.

**NEW SECTION. Sec. 2.** (1) (a) The legislative task force on K-12 governance

and responsibilities is established, with members as provided in this subsection.

(i) The president of the senate shall appoint two task force members: The chair and ranking minority member of the senate early learning and K-12 education committee.

(ii) The speaker of the house of representatives shall appoint two task force members: The chair and ranking minority member of the house of representatives education committee.

(iii) The task force shall also consist of:

(A) The governor or the governor's designee;

(B) The superintendent of public instruction or the superintendent's designee;

(C) The chair of the state board of education;

(D) The president of the Washington state school directors' association; and

(E) The chair of the student achievement council.

(b) The task force shall choose its cochairs from among its legislative membership. The chair of the house of representatives education committee shall convene the initial meeting of the task force on or before June 1, 2017.

(2) The task force shall review the following issues:

(a) Legislation introduced in 2017 relating to the responsibilities of the superintendent of public instruction and the state board of education;

(b) The constitutional and statutory provisions establishing the governance structure and associated responsibilities in the K-12 system;

(c) Options for the division of roles and responsibilities between the office of the superintendent of public instruction and the state board of education;

(d) Past and present provisions governing the superintendent of public instruction and the superintendent's office, including authorities and duties assigned and modified by the legislature;

(e) Past and present provisions governing the state board of education,

including provisions prescribing its authorities, duties, composition, and membership qualifications; and

(f) Considerations of governance and responsibility provisions for other public partner agencies in the K-12 system.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research, with additional assistance, if requested by the task force, provided by the office of the superintendent of public instruction and the state board of education.

(4) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations, including recommendations regarding the appropriate roles and responsibilities of the superintendent of public instruction and the state board of education in the K-12 system, to the education committees of the house of representatives and the senate by November 15, 2017.

(7) This section expires January 31, 2018.

**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."

Correct the title.

Representatives Santos and Harris spoke in favor of the adoption of the striking amendment.

Amendment (318) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Harris and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1886.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1886, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Koster, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Van Werven, Vick, Volz, J. Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Smith.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1886, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1495, by Representatives Fey, Muri, Sawyer, Sells, Jinkins and Doglio**

**Incentivizing the development of commercial office space in cities with a population of greater than fifty thousand and located in a county with a population of less than one million five hundred thousand.**

The bill was read the second time.

There being no objection Second Substitute House Bill No. 1495 was substituted for House Bill No. 1495 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1495 was read the second time.

With the consent of the House, amendments (270), (246) and (236) were withdrawn.

Representative Fey moved the adoption of amendment (290):

On page 6, line 11, after "The" strike "department of commerce" and insert "joint legislative audit and review committee"

Representative Fey spoke in favor of the adoption of the amendment.

Amendment (290) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey and Nealey spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1495.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1495, and the bill passed the House by the following vote: Yeas, 79; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Doglio, Dolan, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Haler, Hansen, Hargrove, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Kraft, Lovick, Lytton, Macri, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stonier, Sullivan, Tarleton, Tharinger, Volz, J. Walsh, Wilcox, Wylie and Mr. Speaker

Voting nay: Representatives Buys, Dent, Griffey, Harmsworth, Koster, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, Pike, Rodne, Shea, Stokesbary, Taylor, Van Werven, Vick and Young.

Excused: Representative Smith.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1495, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1316, by Representatives Caldier, Cody, Jinkins, Wylie, Bergquist, Harris, Clibborn, Rodne, Griffey and Appleton**

**Addressing fair dental insurance practices.**

The bill was read the second time.

There being no objection Substitute House Bill No. 1316 was substituted for House Bill No. 1316 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1316 was read the second time.

With the consent of the House, amendment (180) was withdrawn.

Representative Caldier moved the adoption of amendment (261):

On page 3, line 7, after "including" strike "health care service contractors that offer dental benefit" and insert "carriers that offer stand-alone dental"

On page 3, line 8, after "related to" insert "the contents of stand-alone dental plans"

On page 3, beginning on line 10, after "must" strike all material through "future" on line 12 and insert "provide the legislature with a summary of the stakeholder feedback on explanations of benefits for stand-alone dental plans"

Representatives Caldier and Macri spoke in favor of the adoption of the amendment.

Amendment (261) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Caldier and Macri spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1316.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1316, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Koster, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-

Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Van Werven, Vick, Volz, J. Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Excused: Representative Smith.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1316, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

**HOUSE BILL NO. 1656, by Representatives Dent, Gregerson, Hargrove, Tarleton, Klippert and Clibborn**

**Establishing a community aviation revitalization loan program.**

The bill was read the second time.

Representative Shea moved the adoption of the striking amendment (255):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that providing additional funding mechanisms for public use general aviation airports to implement infrastructure rehabilitation, upgrades, and revenue-generating projects is in the best interest of the state. The legislature declares that a revolving loan program is fundamental for smaller airport preservation and future vitality.

**NEW SECTION. Sec. 2.** A new section is added to chapter 47.68 RCW to read as follows:

(1) An airport infrastructure loan program to be known as the community aviation revitalization loan program is established for political subdivisions of the state that own or manage airports to acquire loans to fund capital projects, including repaving runways, installing runway lights, constructing new airport facilities, and improving existing facilities.

(2) The community aviation revitalization revolving loan account is created in the custody of the state treasurer. All moneys received for the community aviation revitalization loan program, including loan and interest payments, must be deposited into the account. Moneys in the account may be

used only for the loan program and for the department expenditures associated with administering the loan program, and may not be transferred to any other account or used for purposes other than that prescribed in this chapter. Only the secretary or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Disbursements to political subdivisions for approved loans are not subject to appropriation or allotment procedures. The interest on the loans must be the federal rate of interest at the time the loan is borrowed by the political subdivision of the state.

(3) The aviation division of the department must administer the community aviation revitalization loan program.

(4) The department must adopt by rule the criteria to be used in evaluating and approving the loan applications. These loans may be provided to political subdivisions of the state that own or manage airports that do not have more than fifty thousand annual commercial service passenger enplanements as published by the federal aviation administration. Before adopting rules under this subsection or offering a loan contract for a project, the department must consult with the community aviation revitalization loan oversight task force created in section 3 of this act.

(5) The department must consider the following conditions when evaluating loan applications:

(a) The proposed project will lead to additional investment or permanent family wage jobs;

(b) The proposed project will provide capital improvements to augment the maintenance, operation, or expansion of an airport or its associated airport-related business park;

(c) The proposed project will result in retention, expansion, or creation of long-term economic opportunities dependent on the airport or related aeronautic services; or

(d) The proposed project will result in leveraging additional federal funding to an eligible airport.

(6) Loans may only be awarded to applicants that clearly identify a viable

source of funds intended to repay the loan.

(7) The department may accept any gifts, grants, loans of funds, property, contributions, or financial or other aid in any form from other sources that do not conflict with the department's governing statutes and regulations and the laws of the state in furtherance of community aviation airport revitalization as proposed in this section. The department may also accept federal agency loans or grants for the planned financing of any project and enter into an agreement with project owners to administer those loans.

NEW SECTION. **Sec. 3.** A new section is added to chapter 47.68 RCW to read as follows:

(1) The community aviation revitalization loan oversight task force is created to oversee and provide consultation to the department in relation to the community aviation revitalization loan program.

(a) The chair of the community aviation revitalization loan oversight task force is the secretary of transportation. The chair's authority may be delegated to an employee of the department. The chair is responsible for organizing meetings of the task force.

(b) The community aviation revitalization loan oversight task force must consist of: Two people from each of the two largest caucuses of the house of representatives to be appointed by the speaker of the house of representatives, two people from each of the two largest caucuses of the senate to be appointed by the president of the senate, and a nonvoting representative from the department of commerce as designated by the director of the department of commerce.

(2) The community aviation revitalization loan oversight task force shall review and approve rules prepared by the department to govern the implementation, management, and administration of the community aviation revitalization loan program. The task force must be consulted before the department's approval of a project to receive a loan.

(3) Staff support to the community aviation revitalization loan oversight task force must be provided by the department as needed.

(4) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

**Sec. 4.** RCW 43.79A.040 and 2016 c 203 s 2, 2016 c 173 s 10, 2016 c 69 s 21, and 2016 c 39 s 7 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 Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the

community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the community aviation revitalization revolving loan 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 Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center 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. 5.** RCW 42.56.270 and 2016 sp.s. c 9 s 3, 2016 sp.s. c 8 s 1, and 2016 c 178 s 1 are each reenacted and amended to read as follows:

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

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

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

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

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services

provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or section 2 of this act, 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;

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

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

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

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

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

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

Correct the title.

Representatives Shea, Dent and Fey spoke in favor of the adoption of the striking amendment.

Amendment (255) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dent and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1656.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1656, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Koster, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Van Werven, Vick, Volz, J. Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Kloba and Stanford.

Excused: Representative Smith.

ENGROSSED HOUSE BILL NO. 1656, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1375, by Representatives Van Werven, Tarleton, Orwall, Griffey, Haler, Holy, McCabe, Young, Dent, Riccelli, Bergquist, Buys, Kraft, Kagi, Ryu, Muri, Goodman, Lovick, Frame and Hargrove**

**Providing students at community and technical colleges with the costs of required course materials.**

The bill was read the second time.

There being no objection Second Substitute House Bill No. 1375 was substituted for House Bill No. 1375 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1375 was read the second time.

Representative Van Werven moved the adoption of amendment (278):

On page 1, beginning on line 18, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 28B.50 RCW to read as follows:

(1) To the maximum extent practicable, but no later than the first full quarter after a community or technical college has implemented the ctcLink system, a community or technical college shall provide the following information to students during registration by displaying it in the online course description or by providing a link that connects to the bookstore's web site or other web site where students can search and view:

(a) The cost of any required textbook or other course materials; and

(b) Whether a course uses open educational resources.

(2) If a course's required textbooks and course materials are not determined prior to registration due to an unassigned faculty member, the textbooks' and course materials' cost must be provided as soon as feasible after a faculty member is assigned.

(3) Each community and technical college shall report to the college board

which courses provided textbooks' and course materials' costs to students during registration, and what percent of total classes this equaled. The college board shall report the information to the legislature in accordance with RCW 43.01.036 by January 1st of each biennium, beginning with January 1, 2019."

Representatives Van Werven and Pollet spoke in favor of the adoption of the amendment.

Amendment (278) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van Werven and Hansen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1375.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1375, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Koster, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Van Werven, Vick, Volz, J. Walsh, Wilcox, Wylie, Young and Mr. Speaker

Excused: Representative Smith.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1375, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1476, by Representatives Peterson, Buys, Van Werven and Short

**Ensuring the ongoing viability of safe, reliable, on-site sewage systems in marine counties by identifying best management practices with accountability in on-site**

#### **program management plans without creating or newly authorizing a fee or other program funding source.**

The bill was read the second time.

With the consent of the House, amendment (303) was withdrawn.

Representative Dye moved the adoption of amendment (228):

On page 3, line 8, after "board" insert ". Rules adopted by the board for the counties addressed by this section must require that an inspection of an on-site sewage disposal system that is carried out by a professional inspector or public agency must be coordinated with and authorized by the owner of the system prior to accessing the property for purposes of carrying out the inspection of the system"

Representatives Dye and Peterson spoke in favor of the adoption of the amendment.

Amendment (228) was adopted.

Representative Taylor moved the adoption of amendment (081):

On page 8, line 28, after "**Sec. 8.**" Insert the following:

"(1)"

On page 8, after line 31, insert the following:

"(2) Any rules adopted to implement this act must be the least burdensome alternative and must be tailored to minimize compliance burdens by taking into consideration the cost of the rules to each community relative to the environmental risks addressed by the rules in that community."

Representative Taylor spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (081) was not adopted.

Representative Taylor moved the adoption of amendment (082):

On page 8, after line 31, insert the following:

"**Sec. 9.** A new section is added to RCW 70.118A to read as follows:

Rules adopted by the board for the inspection of on-site sewage disposal

systems in the counties identified in RCW 70.118A.030, and any additional requirements imposed by a local health jurisdiction that are authorized under those rules, may not require the professional inspection of an on-site sewage disposal system in the first three years after the installation of that system."

Representative Taylor spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (082) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Peterson and Buys spoke in favor of the passage of the bill.

Representative Jinkins spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1476.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1476, and the bill passed the House by the following vote: Yeas, 72; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chapman, Clibborn, Cody, DeBolt, Doglio, Dolan, Dye, Farrell, Fitzgibbon, Frame, Graves, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Harris, Hudgins, Irwin, Johnson, Kagi, Kirby, Kloba, Kraft, Kristiansen, Lovick, Lytton, MacEwen, Macri, McBride, McCabe, McDonald, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pike, Pollet, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Van Werven, J. Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dent, Fey, Goodman, Haler, Hayes, Holy, Jenkin, Jinkins, Kilduff, Klippert, Koster, Kretz, Manweller, Maycumber, McCaslin, Nealey, Pellicciotti, Reeves, Schmick, Shea, Taylor, Vick and Volz.

Excused: Representative Smith.

ENGROSSED HOUSE BILL NO. 1476, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1503, by Representatives Short, Taylor, Van Werven, Buys, Haler, Kraft and Hargrove**

**Preventing unfunded mandates involving on-site sewage systems from affecting local governments and property owners.**

The bill was read the second time.

There being no objection Substitute House Bill No. 1503 was substituted for House Bill No. 1503 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1503 was read the second time.

With the consent of the House, amendments (290) and (293) were withdrawn.

Representative Maycumber moved the adoption of the striking amendment (285):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW to read as follows:

This chapter, including but not limited to RCW 36.70A.070(1) and (5), does not preclude counties from authorizing inspections of on-site sewage systems to be conducted by a homeowner, a homeowner's family member, or a homeowner's tenant that has completed certification requirements specified by the county. Nothing in this section eliminates the requirement that counties protect water quality.

NEW SECTION. **Sec. 2.** A new section is added to chapter 70.118A RCW to read as follows:

Nothing in this chapter prohibits a county from relying on self-inspection of on-site sewage systems consistent with section 1 of this act for the purposes of protecting the quality or quantity of surface or groundwater resources under chapter 36.70A RCW.

NEW SECTION. **Sec. 3.** A new section is added to chapter 70.05 RCW to read as follows:

Nothing in this chapter prohibits a county from relying on self-inspection of on-site sewage systems consistent with section 1 of this act for the purposes of protecting the quality or quantity of surface or groundwater resources under chapter 36.70A RCW."

Representative Fitzgibbon moved the adoption of amendment (320) to the striking amendment (285):

On page 1, beginning on line 6 of the amendment, after "chapter," strike "including but not limited to RCW 36.70A.070(1) and (5),"

On page 1, line 12 of the amendment, after "quality" insert "consistent with RCW 36.70A.070(1) and (5)"

On page 1, beginning on line 18 of the amendment, after "act" strike all material through "RCW" on line 19 and insert "or eliminates the requirement that counties protect water quality consistent with RCW 36.70A.070(1) and (5)"

On page 1, beginning on line 25 of the amendment, after "act" strike all material through "RCW" on line 26 and insert "or eliminates the requirement that counties protect water quality consistent with RCW 36.70A.070(1) and (5)"

Correct the title.

Representatives Fitzgibbon and Maycumber spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (320) was adopted.

Representatives Maycumber and Fitzgibbon spoke in favor of the adoption of the striking amendment as amended.

Amendment (285), as amended, was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Maycumber and Fitzgibbon spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1503.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1503, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chapman, Clibborn, Cody, Condotta, DeBolt, Dent, Doglio, Dolan, Dye, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson,

Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Holy, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Koster, Kraft, Kretz, Kristiansen, Lovick, Lytton, MacEwen, Manweller, Maycumber, McBride, McCabe, McCaslin, McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Reeves, Riccelli, Robinson, Rodne, Santos, Sawyer, Schmick, Sells, Senn, Shea, Slatter, Springer, Stambaugh, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Taylor, Tharinger, Van Werven, Vick, Volz, J. Walsh, Wilcox, Wylie, Young and Mr. Speaker

Voting nay: Representatives Farrell, Kloba, Macri, Pollet, Ryu and Stanford

Excused: Representative Smith.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1503, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1777, by Representatives Kagi, Johnson, Doglio, Dent, Ryu, MacEwen, Senn, Farrell, Nealey, Ortiz-Self, McBride, Macri, Fey, Slatter and Jinkins**

**Concerning the financing of early learning facilities.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1777 was substituted for House Bill No. 1777 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1777 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi, Dent, Johnson and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1777.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1777, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Chapman, Clibborn, Cody, DeBolt, Dent, Doglio, Dolan, Farrell, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hudgins, Irwin, Jenkin, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kloba, Koster, Kraft, Kristiansen, Lovick, Lytton, MacEwen, Macri, Manweller, McBride, McCabe,

McDonald, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pike, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Tharinger, Van Werven, J. Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, Dye, Holy, Kretz, Maycumber, McCaslin, Schmick, Shea, Taylor, Vick, Volz and Young.

Excused: Representative Smith.

SECOND SUBSTITUTE HOUSE BILL NO. 1777, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1506, by Representatives Senn, Pellicciotti, Slatter, Macri, Peterson, Chapman, Ortiz-Self, Bergquist, Sawyer, Frame, Gregerson, Farrell, Kilduff, Kagi, Dolan, Clibborn, Pollet, McBride, Stanford, Doglio, Appleton, Robinson, Fitzgibbon, Sells, Goodman, Tharinger, Hudgins, Ormsby, Riccelli, Fey and Pettigrew**

**Addressing workplace practices to achieve gender pay equity.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1506 by the Committee on Appropriations was not substituted for House Bill No. 1506.

With the consent of the House, amendments (254) and (259) were withdrawn.

Representative Caldier moved the adoption of amendment (240):

On page 2, line 24, after "be)" strike "individuals" and insert "employees of the employer"

On page 2, at the beginning of line 28, strike "individual" and insert "employee"

On page 2, line 32, after "the" strike "individual" and insert "employee"

On page 2, beginning on line 34, after "section," strike "individuals are similarly employed if" and insert "employees are similarly employed if the individuals work for the same employer,"

On page 2, at the beginning of line 38, strike "individuals" and insert "employees"

Representatives Caldier and Dolan spoke in favor of the adoption of the amendment.

Amendment (240) was adopted.

Representative Stambaugh moved the adoption of amendment (306):

On page 3, line 8, after "production;" strike "or"

On page 3, line 12, after "entire differential" insert "; or

(v) A bona fide regional difference in compensation levels that is: (A) Consistent with business necessity; (B) not based on or derived from a gender-based differential; and (C) accounts for the entire differential"

On page 3, line 13, after "An" strike "individual's" and insert "employee's"

Representatives Stambaugh and Senn spoke in favor of the adoption of the amendment.

Amendment (306) was adopted.

Representative Kraft moved the adoption of amendment (238):

On page 3, line 9, after "including" insert ", but not limited to,"

Representatives Kraft and Sells spoke in favor of the adoption of the amendment.

Amendment (238) was adopted.

Representative Pike moved the adoption of amendment (311):

On page 3, beginning on line 15, strike all of section 4

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 4, line 12, after "wages" strike "or lack of employment opportunities"

Representative Pike spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (311) was not adopted.

Representative McDonald moved the adoption of amendment (241):

On page 4, after line 27, insert the following:

"(5) Nothing in this section permits an employee to violate the requirements in chapter 49.17 RCW and rules promulgated under that chapter."

Representatives McDonald and Senn spoke in favor of the adoption of the amendment.

Amendment (241) was adopted.

Representative Pike moved the adoption of amendment (310):

On page 4, beginning on line 34, strike all of sections 7 and 8 and insert the following:

"NEW SECTION. Sec. 7. Any employee aggrieved by a violation of this chapter may recover in a civil action the employee's lost wages, including interest thereon, and costs and reasonable attorneys' fees. If an employee receiving less than the wage to which the employee is entitled under this chapter shows that the action of the employer was deliberate and in bad faith, the employee may additionally recover statutory damages equal to the actual damages incurred. A civil action to recover wages under this section may be commenced no later than two years after the cause of action occurs."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Pike spoke in favor of the adoption of the amendment.

Representative Senn spoke against the adoption of the amendment.

Amendment (310) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Senn, Kraft, Farrell, Springer, Graves, Slatter, Stambaugh and Jinkins spoke in favor of the passage of the bill.

Representative Manweller spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1506.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1506, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chapman, Clibborn, Cody, Doglio, Dolan, Farrell, Fey, Fitzgibbon, Frame, Goodman, Graves, Gregerson, Hansen, Harris, Hudgins, Jinkins, Kagi, Kilduff, Kirby, Kloba, Kraft, Lovick, Lytton, Macri, McBride, McCabe, McDonald, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Pellicciotti, Peterson, Pettigrew, Pollet, Reeves, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Slatter, Springer, Stambaugh, Stanford, Stonier, Sullivan, Tarleton, Tharinger, J. Walsh, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Hayes, Holy, Irwin, Jenkin, Johnson, Klippert, Koster, Kretz, Kristiansen, MacEwen, Manweller, Maycumber, McCaslin, Nealey, Orcutt, Pike, Schmick, Shea, Steele, Stokesbary, Taylor, Van Werven, Vick, Volz and Wilcox.

Excused: Representative Smith.

ENGROSSED HOUSE BILL NO. 1506, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., March 9, 2017, the 60th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk