

## SIXTY FIFTH LEGISLATURE - REGULAR SESSION

## EIGHTIETH DAY

House Chamber, Olympia, Wednesday, March 29, 2017

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick 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 Sebastian Engel and McKinlee Traynor. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Father Stephen Sundborg, President of Seattle University, serving his 20th year.

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

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

**INTRODUCTION & FIRST READING**

HB 2188 by Representatives Ormsby and Kilduff

AN ACT Relating to requiring electronic payments to the division of child support when remitting funds in response to an order to withhold income; amending RCW 74.20A.350; adding a new section to chapter 26.23 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2189 by Representative Ormsby

AN ACT Relating to eligibility for the early childhood education and assistance program; and amending RCW 43.215.456.

Referred to Committee on Appropriations.

HB 2190 by Representative Ormsby

AN ACT Relating to budget stabilization account transfers; and amending RCW 43.79.496.

Referred to Committee on Appropriations.

HB 2191 by Representative Ormsby

AN ACT Relating to making appropriations from the budget stabilization account; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2192 by Representative Ormsby

AN ACT Relating to taxes deposited in the public works account; and amending RCW 82.45.060, 82.16.020, and 82.18.040.

Referred to Committee on Appropriations.

ESSB 5048 by Senate Committee on Ways & Means (originally sponsored by Senators Braun and Ranker)

AN ACT Relating to fiscal matters; amending RCW 19.28.351, 19.118.110, 28B.15.031, 28B.15.210, 28B.15.310, 28B.15.910, 28B.35.370, 28B.50.360, 28C.04.535, 36.70A.725, 38.40.210, 41.16.050, 41.26.450, 41.26.725, 41.26.802, 41.50.110, 41.50.255, 41.60.050, 41.80.010, 41.80.020, 43.08.190, 43.09.475, 43.24.150, 43.41.450, 43.43.839, 43.79.445, 43.79.460, 43.79.480, 43.101.200, 43.320.110, 43.330.250, 50.16.010, 69.50.540, 70.93.180, 70.105D.070, 70.105D.130, 71.24.580, 77.12.203, 79.13.120, 79.17.200, 79.64.040, 79.64.110, and 79.105.150; amending 2016 sp.s. c 36 ss 112, 113, 114, 117, 118, 120, 121, 124, 125, 127, 128, 130, 131, 132, 134, 135, 136, 137, 139, 141, 143, 145, 147, 148, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 218, 219, 220, 221, 301, 302, 303, 304, 305, 306, 307, 308, 310, 311, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 511, 512, 513, 514, 516, 517, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 615, 617, 701, 706, 801, and 804 (uncodified); amending 2015 3rd sp.s. c 4 ss 125, 506, and 703 (uncodified); reenacting and amending RCW 43.155.050; adding new sections to 2015 3rd sp.s. c 4 (uncodified); adding a new section to chapter 28B.16 RCW; adding new sections to chapter 43.41 RCW; making appropriations; providing an effective date; providing an expiration date; and declaring an emergency.

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, with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 5048 which was read the first time, and under suspension of the rules was placed on the second reading calendar.

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

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

**REPORTS OF STANDING COMMITTEES**

March 21, 2017  
**SB 5087** Prime Sponsor, Senator Honeyford:  
 Concerning the evaluation and  
 prioritization of capital budget projects at  
 the public two-year and four-year  
 institutions of higher education. Reported  
 by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting  
 clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The office  
 of financial management, in consultation  
 with the legislative fiscal committees,  
 the state board for community and  
 technical colleges, and the public four-  
 year institutions of higher education,  
 shall:

(a) Develop learning space utilization  
 standards for higher education  
 facilities. The standards may include:

(i) Percentage of hours utilized per  
 scheduling window;

(ii) Percentage of seats utilized;

(iii) Square feet per seat; and

(iv) Type of technology utilized in  
 learning spaces.

(b) Develop reasonableness of cost  
 standards for higher education capital  
 projects. The standards may include:

(i) Costs per square feet per type of  
 facility;

(ii) Expected life-cycle costs; and

(iii) Project schedules that result in  
 realistic, balanced, and predictable  
 expenditure patterns over the ensuing  
 three biennia.

(c) Develop a criteria scoring and  
 prioritization matrix for use by four-  
 year higher education institutions and  
 other decision makers to produce single  
 prioritized lists of higher education  
 capital projects that consists of two  
 components:

(i) A numeric rating scale that  
 assesses how well a particular project  
 satisfies higher education capital  
 project criteria; and

(ii) A numeric measure to weigh the  
 importance of those criteria.

(2) The office of financial management  
 shall provide technical assistance to the

legislative fiscal committees and the  
 four-year institutions in using the  
 criteria scoring and prioritization  
 matrix developed in subsection (1)(c) of  
 this section.

**Sec. 2.** RCW 43.88D.010 and 2012 c 229  
 s 821 are each amended to read as  
 follows:

(1) By October 1st of each even-  
 numbered year, the office of financial  
 management shall complete an objective  
 analysis and scoring of all capital  
 budget projects proposed by the public  
 four-year institutions of higher  
 education and submit the results of the  
 scoring process to the legislative fiscal  
 committees and the four-year  
 institutions. Each project must be  
 reviewed and scored within ~~((one of))~~ the  
 following categories ~~((, according to the  
 project's principal purpose))~~. ~~((Each))~~  
Projects with more than one categorical  
 component as defined in (a) through (f)  
 of this subsection may be scored in  
 ((only)) more than one category and  
 weighted as a ratio of costs attributed  
 to that categorical component to total  
 project costs. The categories are:

(a) ~~((Access-related))~~ Growth projects  
 to accommodate enrollment growth at  
~~((main and branch))~~ higher education  
 campuses, at existing or new university  
 centers, or through distance learning.  
 Growth projects should provide  
 significant additional student capacity  
to increase program access. Proposed  
 projects must demonstrate that they are  
 based on solid enrollment demand  
 projections, ~~((more cost-effectively))~~  
provide more cost-effective enrollment  
 access than alternatives such as  
 university centers and distance  
 learning, and make cost-effective use of  
 existing and proposed new space;

(b) Projects that replace failing  
 permanent buildings or projects that  
 cannot be economically renovated are  
 replacement projects. ~~((Facilities that  
 cannot be economically renovated are  
 considered replacement projects. New  
 space may be programmed for the same or  
 a different use than the space being  
 replaced and may include additions to  
 improve access and enhance the  
 relationship of program or support))~~  
Replaced facilities must either be  
 demolished or removed from the inventory  
 of learning space;

(c) Projects that renovate or  
 modernize facilities to restore building

life and upgrade space to meet current program requirements are renovation projects. Renovation projects should represent a complete renovation of a total facility or an isolated wing of a facility. A reasonable renovation project should cost between sixty to eighty percent of current replacement value and restore the renovated area to at least ~~((twenty-five))~~ thirty years of useful life ~~((New space may be programmed for the same or a different use than the space being renovated and may include additions to improve access and enhance the relationship of program or support space))~~;

(d) Major stand-alone campus infrastructure projects. Projects scored under other categories with significant campus infrastructure costs may also include scoring in this category;

(e) Projects that promote economic growth and innovation through expanded research activity. The acquisition and installation of specialized equipment is authorized under this category; and

(f) Other project categories as determined by the office of financial management in consultation with the legislative fiscal committees.

(2) The office of financial management, in consultation with the legislative fiscal committees, shall establish a scoring system and process for each four-year project category ~~((that is based on the framework used in the community and technical college system of prioritization))~~. Staff from the state board for community and technical colleges and the four-year institutions shall provide technical assistance on the development of a scoring system and process.

(3) The office of financial management shall consult with the legislative fiscal committees in developing the criteria and the scoring methodology of four-year institution project proposals, and may also solicit participation by independent experts ~~((→))~~ in consideration of the following:

(a) For each four-year project category, the scoring system must ~~((at a minimum, include))~~ establish criteria including, but not limited to, an evaluation of enrollment trends, reasonableness of cost, the ability of the project to enhance specific strategic master plan goals, age and condition of the facility if applicable, ((and))

impact on learning space utilization, and other criteria as determined by the office of financial management in consultation with the legislative fiscal committees.

~~((b))~~ ~~((Each four year project category may include projects at the predesign, design, or construction funding phase.~~

~~((c))~~ To the extent possible, the objective analysis and scoring system of all capital budget projects shall occur within the context of any and all performance agreements between the office of financial management and the governing board of a public, four-year institution of higher education that aligns goals, priorities, desired outcomes, flexibility, institutional mission, transparency and accountability, and levels of resources.

~~((4))~~ ~~((In evaluating and scoring four-year institution projects, the office of financial management shall take into consideration project schedules that result in realistic, balanced, and predictable expenditure patterns over the ensuing three biennia.~~

~~((5))~~ The office of financial management shall distribute common definitions, the scoring system, and other information and forms required for the project proposal and scoring process as part of its biennial budget instructions. The office of financial management, in consultation with the legislative fiscal committees, shall develop common definitions that four-year institutions must use in developing their project proposals and lists under this section.

~~((6))~~ (5) In developing any scoring system for capital projects proposed by the four-year institutions, the office of financial management:

(a) Shall be provided with all required information by the four-year institutions as deemed necessary by the office of financial management; and

(b) May utilize independent services to verify, sample, or evaluate information provided to the office of financial management by the four-year institutions ~~((→ and~~

~~((c))~~ ~~Shall have full access to all data maintained by the joint legislative audit and review committee concerning the condition of higher education facilities).~~

~~((7))~~ (6) Pursuant to subsection (5) (a) of this section, by August ~~((1st))~~ 15th of each even-numbered year each public four-year higher education institution shall prepare and submit ~~((prioritized lists of the individual projects proposed by the institution for the ensuing six year period in each category. The lists must be submitted to the office of financial management and the legislative fiscal committees. The four year institutions may aggregate minor works project proposals by primary purpose for ranking purposes. Proposed minor works projects must be prioritized within the aggregated proposal, and supporting documentation, including project descriptions and cost estimates, must be provided))~~ to the office of financial management and the legislative fiscal committees:

(a) Individual project proposals developed pursuant to subsection (1) of this section;

(b) Individual project proposals scored in prior biennia pursuant to subsection (1) of this section; and

(c) A prioritized list of up to five project proposals submitted pursuant to (a) and (b) of this subsection.

**Sec. 3.** RCW 28B.77.070 and 2012 c 229 s 110 are each amended to read as follows:

(1) The council shall identify budget priorities and levels of funding for higher education, including the two and four-year institutions of higher education and state financial aid programs. It is the intent of the legislature for the council to make budget recommendations for allocations for major policy changes in accordance with priorities set forth in the ten-year ~~((plan))~~ roadmap as defined in RCW 28B.77.020, but the legislature does not intend for the council to review and make recommendations on individual institutional budgets. It is the intent of the legislature that recommendations from the council prioritize funding needs for the overall system of higher education in accordance with priorities set forth in the ten-year ~~((plan))~~ roadmap. It is also the intent of the legislature that the council's recommendations take into consideration the total per-student funding at similar public institutions of higher education in the global challenge states.

(2) By December of each odd-numbered year, the council shall outline the council's fiscal priorities under the ten-year ~~((plan))~~ roadmap that it must distribute to the institutions, the state board for community and technical colleges, the office of financial management, and the joint higher education committee.

~~((a))~~ Capital budget outlines for the two-year institutions shall be submitted to the office of financial management by August 15th of each even numbered year, and shall include the prioritized ranking of the capital projects being requested, a description of each capital project, and the amount and fund source being requested.

~~((b))~~ Capital budget outlines for the four-year institutions must be submitted to the office of financial management by August 15th of each even numbered year, and must include: The institutions' priority ranking of the project; the capital budget category within which the project will be submitted to the office of financial management in accordance with RCW 43.88D.010; a description of each capital project; and the amount and fund source being requested.

~~((c))~~ The office of financial management shall reference these reporting requirements in its budget instructions.)

(3) The council shall submit recommendations on the operating budget priorities to support the ten-year ~~((plan))~~ roadmap to the office of financial management by October 1st each year, and to the legislature by January 1st each year.

~~((4))~~ (a) The office of financial management shall develop one prioritized list of capital projects for the legislature to consider that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded. The prioritized list of capital projects shall be based on the following priorities in the following order:

~~((i))~~ Office of financial management scores pursuant to chapter 43.88D RCW;

~~((ii))~~ Preserving assets;

~~((iii))~~ Degree production; and

~~(iv) Maximizing efficient use of instructional space.~~

~~(b) The office of financial management shall include all of the capital projects requested by the four-year institutions of higher education, except for the minor works projects, in the prioritized list of capital projects provided to the legislature.~~

~~(c) The form of the prioritized list for capital projects requested by the four-year institutions of higher education shall be provided as one list, ranked in priority order with the highest priority project ranked number "1" through the lowest priority project numbered last. The ranking for the prioritized list of capital projects may not:~~

~~(i) Include subpriorities;~~

~~(ii) Be organized by category;~~

~~(iii) Assume any state bond or building account biennial funding level to prioritize the list; or~~

~~(iv) Assume any specific share of projects by institution in the priority list.~~

~~(5) Institutions and the state board for community and technical colleges shall submit any supplemental capital budget requests and revisions to the office of financial management by November 1st and to the legislature by January 1st.)"~~

Correct the title.

Signed by Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Dye; Johnson; Koster; Kraft; MacEwen; Macri; Morris; Reeves; Riccelli; Ryu; Sells; Steele; Stonier and Walsh, J.

Referred to Committee on Rules for second reading.

March 28, 2017

2SSB 5107 Prime Sponsor, Committee on Ways & Means: Facilitating local funding and involvement in expanding early childhood education and assistance program eligibility. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent, Ranking Minority Member and McCaslin.

Referred to Committee on Appropriations.

March 28, 2017

SB 5121 Prime Sponsor, Senator Takko: Concerning fire protection district tax levies. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Gregerson and Peterson.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Referred to Committee on Finance.

March 28, 2017

SB 5122 Prime Sponsor, Senator Takko: Concerning fire commissioner compensation. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Gregerson; Peterson and Taylor.

Referred to Committee on Rules for second reading.

March 27, 2017

SSB 5196 Prime Sponsor, Committee on Agriculture, Water, Trade & Economic Development: Including cattle feedlots implementing best management practices within the statutory exemption for odor or fugitive dust caused by agricultural activity. Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys; Dye; Fey; Kagi and McBride.

Referred to Committee on Rules for second reading.

March 28, 2017

SSB 5357 Prime Sponsor, Committee on Ways & Means: Establishing a pilot project to license outdoor early learning and child care programs. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; McCaslin; Muri and Ortiz-Self.

Referred to Committee on Appropriations.

March 27, 2017

SSB 5438 Prime Sponsor, Committee on Energy, Environment & Telecommunications: Promoting the completion of environmental impact statements within two years. Reported by Committee on Environment

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the analysis of environmental impacts required under the state environmental policy act adds value to government decision-making processes in Washington state and helps minimize the potential environmental harm coming from those government decisions. However, the legislature also recognizes that excessive delays in the environmental impact analysis process adds uncertainty and burdensome costs to those seeking to do business in the state of Washington. Therefore, it is the intent of the legislature to promote timely completion of state environmental policy act processes. In doing so, the legislature intends to restore balance between the need to carefully consider environmental impacts and the need to maintain the economic competitiveness of state businesses.

NEW SECTION. Sec. 2. A new section is added to chapter 43.21C RCW to read as follows:

(1) A lead agency shall aspire to prepare a final environmental impact statement required by RCW 43.21C.030(2) in as expeditious a manner as possible while not compromising the integrity of the analysis.

(a) For even the most complex government decisions associated with a broad scope of possible environmental impacts, a lead agency shall aspire to prepare a final environmental impact statement required by RCW 43.21C.030(2) within twenty-four months of a threshold determination of a probable significant, adverse environmental impact.

(b) Wherever possible, a lead agency shall aspire to far outpace the twenty-four month time limit established in this section for more commonplace government decisions associated with narrower and more easily identifiable environmental impacts.

(2) Beginning December 31, 2018, and every two years thereafter, the department of ecology must submit a report consistent with RCW 43.01.036 on the environmental impact statements produced by state agencies and local governments to the appropriate committees of the legislature. The report must include data on the average time, and document the range of time, it took to complete environmental impact statements within the previous two years. The report must also identify any incomplete environmental impact statements that have exceeded the aspirational time limit established in subsection (1)(a) of this section.

(3) Nothing in this section creates any civil liability for a lead agency or creates a new cause of action against a lead agency."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys; Dye; Fey; Kagi and McBride.

Referred to Committee on Rules for second reading.

March 27, 2017

ESSB 5470 Prime Sponsor, Committee on Energy, Environment & Telecommunications: Advancing the development of renewable energy by improving the permitting process for geothermal resources exploration. Reported by Committee on Environment

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 78.60.010 and 1974 ex. s. c 43 s 1 are each amended to read as follows:

The public has a direct interest in the safe, orderly, and nearly pollution-free development of the geothermal resources of the state, as (~~hereinafter in RCW 79.76.030(1)~~) defined in RCW 78.60.030. The legislature hereby

declares that it is in the best interests of the state to further the development of geothermal resources for the benefit of all of the citizens of the state while at the same time fully providing for the protection of the environment. The development of geothermal resources shall be so conducted as to protect the rights of landowners, other owners of interests therein, and the general public. In providing for such development, it is the purpose of this chapter to provide for the orderly exploration, safe drilling, production, and proper abandonment of geothermal resources in the state of Washington.

**Sec. 2.** RCW 78.60.070 and 2007 c 338 s 1 are each amended to read as follows:

(1) Any person proposing to drill a well or redrill an abandoned well for geothermal resources shall file with the department a written application for a permit to commence such drilling or redrilling on a form prescribed by the department accompanied by a permit fee of two hundred dollars. The department shall forward a duplicate copy to the department of ecology within ten days of filing.

(2) Upon receipt of a proper application relating to drilling or redrilling the department shall set a date, time, and place for a public hearing on the application (~~(7, which hearing shall be in the county in which the drilling or redrilling is proposed to be made, and shall instruct the applicant to publish notices of such application and hearing by such means and within such time as the department shall prescribe. The department shall require that the notice so prescribed shall be published twice in a newspaper of general circulation within the county in which the drilling or redrilling is proposed to be made and in such other appropriate information media as the department may direct)).~~ The public hearing on the drilling application shall be in the county in which the drilling or redrilling is proposed to be made.

(3) Any person proposing to drill a core hole for the purpose of gathering geothermal data, including but not restricted to heat flow, temperature gradients, and rock conductivity, shall be required to obtain a single permit ~~((for each))~~ covering all core holes according to subsection (1) of this section, including a single permit fee ~~((for each core hole, but no notice need~~

~~be published, and no hearing need be held. Such core holes that penetrate more than seven hundred and fifty feet into bedrock shall be deemed geothermal test wells and subject to the payment of a permit fee and to the requirement in subsection (2) of this section for public notices and hearing. In the event geothermal energy is discovered in a core hole, the hole shall be deemed a geothermal well and subject to the permit fee, notices, and hearing)).~~ Such core holes as described by this subsection are not required to be the subject of a public hearing but are subject to all other provisions of this chapter, including a bond or other security as specified in RCW 78.60.130.

(4) All moneys paid to the department under this section shall be deposited with the state treasurer for credit to the general fund.

**Sec. 3.** RCW 78.60.120 and 1974 ex.s. c 43 s 12 are each amended to read as follows:

(1) Before any operation to plug and abandon or suspend the operation of any well is commenced, the owner or operator shall submit in writing a notification of abandonment or suspension of operations to the department for approval. No operation to abandon or suspend the operation of a well shall commence without approval by the department. The department shall respond to such notification in writing within ten working days following receipt of the notification.

(2) Failure to abandon or suspend operations in accordance with the method approved by the department shall constitute a violation of this chapter, and the department shall take appropriate action under the provisions of RCW ~~((79.76.270))~~ 78.60.270."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys; Dye; Fey; Kagi and McBride.

Referred to Committee on Rules for second reading.

March 23, 2017

SB 5621

Prime Sponsor, Senator Brown:  
Concerning projects of statewide significance for economic development and transportation. Reported by

Committee on Technology & Economic  
Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Doglio; Harmsworth; Manweller; McDonald; Nealey; Steele and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Kloba, Vice Chair; Hudgins and Santos.

MINORITY recommendation: Without recommendation. Signed by Representatives Fey and Slatter.

Referred to Committee on Rules for second reading.

March 27, 2017

SB 5635 Prime Sponsor, Senator Padden:  
Concerning retail theft with special  
circumstances. Reported by Committee on  
Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.56.360 and 2013 c 153 s 1 are each amended to read as follows:

(1) A person commits retail theft with special circumstances if he or she commits theft of property from a mercantile establishment with one of the following special circumstances:

(a) To facilitate the theft, the person leaves the mercantile establishment through a designated emergency exit;

(b) The person was, at the time of the theft, in possession of an item, article, implement, or device used, under circumstances evincing an intent to use or employ, or designed to overcome security systems including, but not limited to, lined bags or tag removers; or

(c) The person committed theft at three or more separate and distinct mercantile establishments within a one hundred eighty-day period.

(2) A person is guilty of retail theft with special circumstances in the first degree if the theft involved constitutes theft in the first degree. Retail theft with special circumstances in the first degree is a class B felony.

(3) A person is guilty of retail theft with special circumstances in the second

degree if the theft involved constitutes theft in the second degree. Retail theft with special circumstances in the second degree is a class C felony.

(4) A person is guilty of retail theft with special circumstances in the third degree if the theft involved constitutes theft in the third degree. Retail theft with special circumstances in the third degree is a class C felony.

(5) For the purposes of this section, "special circumstances" means the particular aggravating circumstances described in subsection (1)(a) through (c) of this section.

(6)(a) A series of thefts committed by the same person from one or more mercantile establishments over a period of one hundred eighty days may be aggregated in one count and the sum of the value of all the property shall be the value considered in determining the degree of the retail theft with special circumstances involved. Thefts committed by the same person in different counties that have been aggregated in one county may be prosecuted in any county in which any one of the thefts occurred. In no case may an aggregated series of thefts, or a single theft that has been aggregated in one county, be prosecuted in more than one county.

(b) The mercantile establishment or establishments whose property is alleged to have been stolen may request that the charge be aggregated with other thefts of property about which the mercantile establishment or establishments is aware. In the event a request to aggregate the prosecution is declined, the mercantile establishment or establishments shall be promptly advised by the prosecuting jurisdiction making the decision to decline aggregating the prosecution of the decision and the reasons for the decision."

Correct the title.

Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Appropriations.

March 21, 2017

SSB 5644 Prime Sponsor, Committee on Ways &  
Means: Concerning skill center facility

maintenance. Reported by Committee on Capital Budget

**MAJORITY recommendation: Do pass as amended.**

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A host district of a cooperative skill center must maintain a separate minor repair and maintenance capital account for facilities constructed or renovated with state funding. Participating school districts must make annual deposits into the account to pay for future minor repair and maintenance costs of those facilities. The host district has authority to collect those deposits by charging participating districts an annual per-pupil facility fee."

Correct the title.

Signed by Representatives Tharinger, Chair; Doglio, Vice Chair; Peterson, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Dye; Johnson; Koster; Kraft; MacEwen; Macri; Morris; Reeves; Riccelli; Ryu; Sells; Steele; Stonier and Walsh, J..

Referred to Committee on Rules for second reading.

March 28, 2017

ESB 5652 Prime Sponsor, Senator Angel: Concerning actions by the boundary review board. Reported by Committee on Local Government

**MAJORITY recommendation: Do pass as amended.**

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.93.150 and 2012 c 212 s 1 are each amended to read as follows:

The board, upon review of any proposed action, shall take such of the following actions as it deems necessary to best carry out the intent of this chapter:

(1) Approve the proposal as submitted.

(2) Subject to RCW 35.02.170, modify the proposal by adjusting boundaries to add or delete territory. Subject to the requirements of this chapter, a board may modify a proposal by adding territory that would increase the total area of the proposal before the board. A board, however, may not modify a proposal for annexation of territory to a city or town by adding an amount of territory that constitutes more than one hundred percent

of the total area of the proposal before the board. Any modifications shall not interfere with the authority of a city, town, or special purpose district to require or not require preannexation agreements, covenants, or petitions. A board shall not modify the proposed incorporation of a city with an estimated population of seven thousand five hundred or more by removing territory from the proposal, or adding territory to the proposal, that constitutes ten percent or more of the total area included within the proposal before the board. However, a board shall remove territory in the proposed incorporation that is located outside of an urban growth area or is annexed by a city or town, and may remove territory in the proposed incorporation if a petition or resolution proposing the annexation is filed or adopted that has priority over the proposed incorporation, before the area is established that is subject to this ten percent restriction on removing or adding territory. A board shall not modify the proposed incorporation of a city with a population of seven thousand five hundred or more to reduce the territory in such a manner as to reduce the population below seven thousand five hundred.

(3) Determine a division of assets and liabilities between two or more governmental units where relevant.

(4) Determine whether, or the extent to which, functions of a special purpose district are to be assumed by an incorporated city or town, metropolitan municipal corporation, or another existing special purpose district.

(5) Allow all affected jurisdictions to enter into any agreements necessary to address conflicts with the board's factors and objectives prior to ruling on the annexation proposal.

(6) Disapprove the proposal except that the board shall not have jurisdiction: (a) To disapprove the dissolution or disincorporation of a special purpose district which is not providing services but shall have jurisdiction over the determination of a division of the assets and liabilities of a dissolved or disincorporated special purpose district; (b) over the division of assets and liabilities of a special purpose district that is dissolved or disincorporated pursuant to chapter 36.96 RCW; nor (c) to disapprove the incorporation of a city with an estimated population of seven thousand five hundred

or more, but the board may recommend against the proposed incorporation of a city with such an estimated population.

Unless the board disapproves a proposal, it shall be presented under the appropriate statute for approval of a public body and, if required, a vote of the people. A proposal that has been modified shall be presented under the appropriate statute for approval of a public body and if required, a vote of the people. If a proposal, other than that for a city, town, or special purpose district annexation, after modification does not contain enough signatures of persons within the modified area, as are required by law, then the initiating party, parties or governmental unit has thirty days after the modification decision to secure enough signatures to satisfy the legal requirement. If the signatures cannot be secured then the proposal may be submitted to a vote of the people, as required by law.

The addition or deletion of property by the board shall not invalidate a petition which had previously satisfied the sufficiency of signature provisions of RCW 35.13.130 or 35A.14.120. When the board, after due proceedings held, disapproves a proposed action, such proposed action shall be unavailable, the proposing agency shall be without power to initiate the same or substantially the same as determined by the board, and any succeeding acts intended to or tending to effectuate that action shall be void, but such action may be reinitiated after a period of twelve months from date of disapproval and shall again be subject to the same consideration.

The board shall not modify or deny a proposed action unless there is evidence on the record to support a conclusion that the action is inconsistent with one or more of the objectives under RCW 36.93.180. The board may not increase the area of a city or town annexation unless it holds a separate public hearing on the proposed increase and provides ten or more days' notice of the hearing to the registered voters and property owners residing within the area subject to the proposed increase. Every such determination to modify or deny a proposed action shall be made in writing pursuant to a motion, and shall be supported by appropriate written findings and conclusions, based on the record.

Sec. 2. RCW 36.93.170 and 1997 c 429 s 39 are each amended to read as follows:

In reaching a decision on a proposal or an alternative, the board shall consider the factors affecting such proposal, which shall include, but not be limited to the following:

(1) Population and territory; population density; land area and land uses; comprehensive plans and zoning, as adopted under chapter 35.63, 35A.63, or 36.70 RCW; comprehensive plans and development regulations adopted under chapter 36.70A RCW; applicable service agreements entered into under chapter 36.115 or 39.34 RCW; applicable interlocal annexation agreements between a county and its cities; per capita assessed valuation; topography, natural boundaries and drainage basins, proximity to other populated areas; the existence and preservation of prime agricultural soils and productive agricultural uses; the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years; location and most desirable future location of community facilities;

(2) Municipal services; need for municipal services; effect of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; prospects of governmental services from other sources; probable future needs for such services and controls; probable effect of proposal or alternative on cost and adequacy of services and controls in area and adjacent area; the effect on the ((finances)) revenues, expenses, debt structure, and contractual obligations and rights of all affected governmental units; ((and))

(3) The effect of the proposal or alternative on adjacent areas, on mutual economic, fiscal, and social interests, and on the local governmental structure of the county; and

(4) The logical and reasonable nature of the annexation boundaries to ensure that they do not create unincorporated islands or peninsulas.

The provisions of chapter 43.21C RCW, State Environmental Policy, shall not apply to incorporation proceedings covered by chapter 35.02 RCW."

Correct the title.

Signed by Representatives Appleton, Chair; McBride, Vice Chair; Gregerson and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Pike, Assistant Ranking Minority Member and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey, Ranking Minority Member.

Referred to Committee on Rules for second reading.

March 27, 2017

SB 5762 Prime Sponsor, Senator Hunt: Concerning financing of the mercury-containing light stewardship program. Reported by Committee on Environment

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.275.050 and 2014 c 119 s 5 are each amended to read as follows:

(1) Each stewardship organization must recommend to the department an environmental handling charge to be added to the price of each mercury-containing light sold in or into the state of Washington for sale at retail. The environmental handling charge must be designed to provide revenue necessary and sufficient to cover all administrative and operational costs associated with the stewardship program described in the department-approved product stewardship plan for that organization, including the department's annual fee required by subsection (5) of this section, and a prudent reserve. The stewardship organization must consult with collectors, retailers, recyclers, and each of its participating producers in developing its recommended environmental handling charge. The environmental handling charge may, but is not required to, vary by the type of mercury-containing light. In developing its recommended environmental handling charge, the stewardship organization must take into consideration and report to the department:

(a) The anticipated number of mercury-containing lights that will be sold to covered entities in the state at retail during the relevant period;

(b) The number of unwanted mercury-containing lights delivered from covered entities expected to be recycled during the relevant period;

(c) The operational costs of the stewardship organization as described in RCW 70.275.030(2);

(d) The administrative costs of the stewardship organization including the department's annual fee, described in subsection (5) of this section; and

(e) The cost of other stewardship program elements including public outreach.

(2) The department must review, adjust if necessary, and approve the stewardship organization's recommended environmental handling charge within sixty days of submittal. In making its determination, the department shall review the product stewardship plan and may consult with the producers, the stewardship organization, retailers, collectors, recyclers, and other entities.

(3) No sooner than January 1, 2015:

(a) The mercury-containing light environmental handling charge must be added to the purchase price of all mercury-containing lights sold to Washington retailers for sale at retail, and each Washington retailer shall add the charge to the purchase price of all mercury-containing lights sold at retail in this state, and the producer shall remit the environmental handling charge to the stewardship organization in the manner provided for in the stewardship plan; or

(b) Each Washington retailer must add the mercury-containing light environmental handling charge to the purchase price of all mercury-containing lights sold at retail in this state, where the retailer, by voluntary binding agreement with the producer, arranges to remit the environmental handling charge to the stewardship organization on behalf of the producer in the manner provided for in the stewardship plan. Producers may not require retailers to opt for this provision via contract, marketing practice, or any other means. The stewardship organization must allow retailers to retain a portion of the environmental handling charge as reimbursement for any costs associated with the collection and remittance of the charge.

(4) At any time, a stewardship organization may submit to the department a recommendation for an adjusted environmental handling charge for the department's review, adjustment, if necessary, and approval under subsection (2) of this section to ensure that there is sufficient revenue to fund the cost of the program, current deficits, or projected needed reserves for the next year. The department must review the stewardship organization's recommended environmental handling charge and must adjust or approve the recommended charge within thirty days of submittal if the department determines that the charge is reasonably designed to meet the criteria described in subsection (1) of this section.

(5) Beginning March 1, 2015, and each year thereafter, each stewardship organization shall pay to the department an annual fee equivalent to ((five)) three thousand dollars for each participating producer to cover the department's administrative and enforcement costs. The amount paid under this section must be deposited into the product stewardship programs account created in RCW 70.275.130.

Sec. 2. RCW 70.275.040 and 2014 c 119 s 4 are each amended to read as follows:

(1) On June 1st of the year prior to implementation, each producer must ensure that a stewardship organization submits a proposed product stewardship plan on the producer's behalf to the department for approval. Plans approved by the department must be implemented by January 1st of the following calendar year.

(2) The department shall establish rules for plan content. Plans must include but are not limited to:

(a) All necessary information to inform the department about the plan operator and participating producers and their brands;

(b) The management and organization of the product stewardship program that will oversee the collection, transportation, and processing services;

(c) The identity of collection, transportation, and processing service providers, including a description of the consideration given to existing residential curbside collection infrastructure and mail-back systems as an appropriate collection mechanism;

(d) How the product stewardship program will seek to use businesses within the state, including transportation services, retailers, collection sites and services, existing curbside collection services, existing mail-back services, and processing facilities;

(e) A description of how the public will be informed about the product stewardship program, including how consumers will be provided with information describing collection opportunities for unwanted mercury-containing lights from covered entities and safe handling of mercury-containing lights, waste prevention, and recycling. The description must also include information to make consumers aware that an environmental handling charge has been added to the purchase price of mercury-containing lights sold at retail to fund the mercury-containing light stewardship programs in the state. The environmental handling charge may not be described as a department recycling fee or charge at the point of retail sale;

(f) A description of the financing system required under RCW 70.275.050;

(g) How mercury and other hazardous substances will be handled for collection through final disposition;

(h) A public review and comment process; and

(i) Any other information deemed necessary by the department to ensure an effective mercury light product stewardship program that is in compliance with all applicable laws and rules.

(3) All plans submitted to the department must be made available for public review on the department's web site and at the department's headquarters.

(4) At least two years from the start of the product stewardship program and once every four years thereafter, each stewardship organization operating a product stewardship program must update its product stewardship plan and submit the updated plan to the department for review and approval according to rules adopted by the department.

(5) By June 1, 2016, and each June 1st thereafter, each stewardship organization must submit an annual report to the department describing the results of implementing the stewardship

organization's plan for the prior calendar year, including an independent financial audit once every two years. The department may adopt rules for reporting requirements. Financial information included in the annual report must include but is not limited to:

(a) The amount of the environmental handling charge assessed on mercury-containing lights and the revenue generated;

(b) Identification of confidential information pursuant to RCW 43.21A.160 submitted in the annual report; and

(c) The cost of the mercury-containing lights product stewardship program, including line item costs for:

(i) Program operations;

(ii) Communications, including media, printing and fulfillment, public relations, and other education and outreach projects;

(iii) Administration, including administrative personnel costs, travel, compliance and auditing, legal services, banking services, insurance, and other administrative services and supplies, and stewardship organization corporate expenses; and

(iv) Amount of unallocated reserve funds.

(6) Beginning in 2023 every stewardship organization must include in its annual report an analysis of the percent of total sales of lights sold at retail to covered entities in Washington that mercury-containing lights constitute, the estimated number of mercury-containing lights in use by covered entities in the state, and the projected number of unwanted mercury-containing lights to be recycled in future years.

(7) All plans and reports submitted to the department must be made available for public review, excluding sections determined to be confidential pursuant to RCW 43.21A.160, on the department's web site and at the department's headquarters.

Sec. 3. RCW 70.275.130 and 2010 c 130 s 13 are each amended to read as follows:

The product stewardship programs account is created in the custody of the state treasurer. All funds received from producers under this chapter and penalties collected under this chapter

must be deposited in the account. Expenditures from the account may be used only for administering this chapter. The department may not retain fees in excess of the estimated amount necessary to cover the agency's administrative costs over the coming year related to the mercury light stewardship program under this chapter. Beginning with the state fiscal year 2018, by October 1st after the closing of each state fiscal year, the department shall refund any fees collected in excess of its estimated administrative costs to any approved stewardship organization under this chapter. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 4. RCW 43.131.422 and 2014 c 119 s 8 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2026:

(1) RCW 70.275.010 (Findings—Purpose) and 2010 c 130 s 1;

(2) RCW 70.275.020 (Definitions) and 2014 c 119 s 2 & 2010 c 130 s 2;

(3) RCW 70.275.030 (Product stewardship program) and 2014 c 119 s 3 & 2010 c 130 s 3;

(4) RCW 70.275.040 (Submission of proposed product stewardship plans—Department to establish rules—Public review—Plan update—Annual report) and 2017 c . . . s 2 (section 2 of this act), 2014 c 119 s 4, & 2010 c 130 s 4;

(5) RCW 70.275.050 (Financing the mercury-containing light recycling program) and 2017 c . . . s 1 (section 1 of this act), 2014 c 119 s 5, & 2010 c 130 s 5;

(6) RCW 70.275.060 (Collection and management of mercury) and 2010 c 130 s 6;

(7) RCW 70.275.070 (Collectors of unwanted mercury-containing lights—Duties) and 2010 c 130 s 7;

(8) RCW 70.275.090 (Producers must participate in an approved product stewardship program) and 2010 c 130 s 9;

(9) RCW 70.275.100 (Written warning—Penalty—Appeal) and 2010 c 130 s 10;

(10) RCW 70.275.110 (Department's web site to list producers participating in product stewardship plan—Required participation in a product stewardship plan—Written warning—Penalty—Rules—Exemptions) and 2010 c 130 s 11;

(11) RCW 70.275.130 (Product stewardship programs account) and 2017 c . . . s 3 (section 3 of this act) & 2010 c 130 s 13;

(12) RCW 70.275.140 (Adoption of rules—Report to the legislature—Invitation to entities to comment on issues—Estimate of statewide recycling rate for mercury-containing lights—Mercury vapor barrier packaging) and 2010 c 130 s 14;

(13) RCW 70.275.150 (Application of chapter to the Washington utilities and transportation commission) and 2010 c 130 s 15;

(14) RCW 70.275.160 (Application of chapter to entities regulated under chapter 70.105 RCW) and 2010 c 130 s 16;

(15) RCW 70.275.900 (Chapter liberally construed) and 2010 c 130 s 17;

(16) RCW 70.275.901 (Severability—2010 c 130) and 2010 c 130 s 21; and

(17) RCW 70.275.170 and 2014 c 119 s 6."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys; Dye; Fey; Kagi and McBride.

Referred to Committee on Appropriations.

March 27, 2017

**ESSB 5810** Prime Sponsor, Committee on Law & Justice: Adding attempted murder to the list of offenses that may not be prosecuted more than ten years their commission. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Appropriations.

**REPORTS OF STANDING COMMITTEES  
1<sup>st</sup> SUPPLEMENTAL**

**SB 5200**

March 28, 2017

Prime Sponsor, Senator Becker: Allowing spouses to combine volunteer hours for purposes of receiving a complimentary discover pass. Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys; Dye; Fey; Kagi and McBride.

Referred to Committee on Rules for second reading.

March 28, 2017

**SB 5325**

Prime Sponsor, Senator Zeiger: Clarifying the authority of a nurse working in a school setting. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

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

(a) A registered nurse or an advanced registered nurse practitioner working in a school setting is authorized and responsible for the nursing care of students to the extent that the care is within the practice of nursing. A school administrator may supervise a registered nurse or an advanced registered nurse practitioner in aspects of employment other than the practice of nursing;

(b) Nursing is governed by specific laws and regulations and requires a unique license to practice. Clinical supervision of a nurse is based on knowledge of the laws, regulations, and rules governing nursing practice, nursing practice standards, and nursing performance standards;

(c) Student health needs have changed dramatically over the last twenty years. The number of students with special health care needs has risen exponentially;

(d) School nurses are held accountable through chapter 18.79 RCW and the uniform disciplinary act, chapter 18.130 RCW, for errors in nursing judgment and actions;

(e) Individuals who are not nurses are unqualified to make nursing judgments and assessments;

(f) The independent nature of nursing has been recognized in both statute and rule. For example, under RCW 18.79.040, "registered nursing practice" includes the "administration, supervision, delegation, and evaluation of nursing practice." Furthermore, continuing competency rules recently adopted by the nursing care quality assurance commission recognize and acknowledge the independent nature of nursing; and

(g) The ability of a nurse to practice nursing without the supervision of a nonnurse supervisor is particularly important given the primacy of the nurse-patient relationship.

(2) It is therefore the intent of the legislature to reaffirm the authority of a licensed nurse working in a school setting to practice nursing without the supervision of a person who is not a licensed nurse.

(3) It is not the intent of the legislature to:

(a) Prohibit a nonnurse from supervising a licensed nurse working in a school setting with respect to matters other than the practice of nursing, such as matters of administration, terms and conditions of employment, and employee performance; or

(b) Require a school to provide clinical supervision for a licensed nurse working in a school setting.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.210 RCW to read as follows:

(1)(a) A registered nurse or an advanced registered nurse practitioner licensed under chapter 18.79 RCW working in a school setting is authorized and responsible for the nursing care of students to the extent that the care is within the practice of nursing as defined in this section.

(b) A school administrator may supervise a registered nurse or an advanced registered nurse practitioner licensed under chapter 18.79 RCW in aspects of employment other than the practice of nursing as defined in this section.

(c) Only a registered nurse or an advanced registered nurse practitioner licensed under chapter 18.79 RCW may supervise, direct, or evaluate a licensed nurse working in a school setting with

respect to the practice of nursing as defined in this section.

(2) Nothing in this section:

(a) Prohibits a nonnurse supervisor from supervising, directing, or evaluating a licensed nurse working in a school setting with respect to matters other than the practice of nursing;

(b) Requires a registered nurse or an advanced registered nurse practitioner to be clinically supervised in a school setting; or

(c) Prohibits a nonnurse supervisor from conferring with a licensed nurse working in a school setting with respect to the practice of nursing.

(3) Within existing funds, the superintendent of public instruction shall notify each school district in this state of the requirements of this section.

(4) For purposes of this section, "practice of nursing" means:

(a) Registered nursing practice as defined in RCW 18.79.040, advanced registered nursing practice as defined in RCW 18.79.050, and licensed practical nursing practice as defined in RCW 18.79.060, including, but not limited to:

(i) The administration of medication pursuant to a medication or treatment order; and

(ii) The decision to summon emergency medical assistance; and

(b) Compliance with any state or federal statute or administrative rule specifically regulating licensed nurses, including any statute or rule defining or establishing standards of patient care or professional conduct or practice."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Springer; Steele; Stokesbary and Volz.

Referred to Committee on Rules for second reading.

SB 5336  
 Prime Sponsor, Senator Miloscia:  
 Criminalizing damaging, destroying,  
 tampering, or removing ballot return boxes

March 27, 2017

or contents. Reported by Committee on Public Safety

**MAJORITY recommendation: Do pass as amended.**

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.48.070 and 2009 c 431 s 4 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the first degree if he or she knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding five thousand dollars;

(b) Causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication; ((or))

(c) Causes an impairment of the safety, efficiency, or operation of an aircraft by physically damaging or tampering with the aircraft or aircraft equipment, fuel, lubricant, or parts; or

(d) Causes an interruption or impairment of service rendered to the public by, without lawful authority, physically damaging, destroying, or removing an official ballot deposit box or ballot drop box or, without lawful authority, damaging, destroying, removing, or tampering with the contents thereof.

(2) Malicious mischief in the first degree is a class B felony.

Sec. 2. RCW 9A.48.080 and 2009 c 431 s 5 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the second degree if he or she knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding seven hundred fifty dollars; ((or))

(b) Creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication; or

(c) Creates a substantial risk of interruption or impairment of service rendered to the public by, without lawful authority, physically damaging, destroying, or removing an official ballot deposit box or ballot drop box or, without lawful authority, damaging, destroying, removing, or tampering with the contents thereof.

(2) Malicious mischief in the second degree is a class C felony.

Sec. 3. RCW 29A.84.540 and 2011 c 10 s 72 are each amended to read as follows:

Any person who, without lawful authority, removes a ballot from a voting center or ballot drop location is guilty of a ((gross misdemeanor)) class C felony punishable to the same extent as a ((gross misdemeanor)) class C felony that is punishable under RCW 9A.20.021."

Correct the title.

Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

March 28, 2017

SSB 5340 Prime Sponsor, Committee on Ways & Means: Concerning class B elevator work permits. Reported by Committee on Labor & Workplace Standards

**MAJORITY recommendation: Do pass.** Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Doglio; Frame and Pike.

Referred to Committee on Appropriations.

March 28, 2017

SB 5399 Prime Sponsor, Senator O'Ban: Concerning the use of background checks for persons who work with children, persons with developmental disabilities, and vulnerable adults. Reported by Committee on Local Government

**MAJORITY recommendation: Do pass as amended.**

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.21.920 and 2010 c 47 s 2 are each amended to read as follows:

(1) For the purpose of receiving criminal history record information by city or town officials, cities or towns ((may, by ordinance, require a)) shall establish by ordinance the requirements for a:

(a) State and federal background investigation of license applicants or licensees in occupations specified by ordinance ((for the purpose of receiving criminal history record information by city or town officials));

(b) Federal background investigation of city or town employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the city or town, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults;

(c) State criminal background investigation of city or town employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the city or town, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults; and

(d) Criminal background investigation conducted through a private organization of city or town employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the city or town, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults.

(2) The investigation conducted under subsection (1)(a) through (c) of this section shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. ((These))

(3) The background checks conducted under subsection (1)(a) through (c) of this section must be done through the Washington state patrol identification and criminal history section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. The Washington state patrol shall serve as the sole source for receipt of

fingerprint submissions and the responses to the submissions from the federal bureau of investigation, which must be disseminated to the city or town.

(4) For a criminal background check conducted under subsection (1)(a) through (c) of this section, the city or town shall transmit appropriate fees for a state and national criminal history check to the Washington state patrol, unless alternately arranged. The cost of investigations conducted under this section shall be borne by the city or town, unless the city's or town's budget limits its ability to reasonably absorb such costs. Any fingerprinting costs may be borne by the applicant, although an agency may agree to absorb those costs or reimburse the applicant for those costs upon hire.

(5) The authority for background checks outlined in this section is in addition to any other authority for such checks provided by law.

Sec. 2. RCW 35A.21.370 and 2010 c 47 s 3 are each amended to read as follows:

(1) For the purpose of receiving criminal history record information by code city officials, code cities ((may, by ordinance, require a)) shall establish by ordinance the requirements for a:

(a) State and federal background investigation of license applicants or licensees in occupations specified by ordinance ((for the purpose of receiving criminal history record information by code city officials));

(b) Federal background investigation of code city employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the code city, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults;

(c) State criminal background investigation of code city employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the code city, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults; and

(d) Criminal background investigation conducted through a private organization of code city employees, applicants for

employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the code city, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults.

(2) The investigation conducted under subsection (1)(a) through (c) of this section shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. ((These))

(3) The background checks conducted under subsection (1)(a) through (c) of this section must be done through the Washington state patrol identification and criminal history section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. The Washington state patrol shall serve as the sole source for receipt of fingerprint submissions and the responses to the submissions from the federal bureau of investigation, which must be disseminated to the code city.

(4) For a criminal background check conducted under subsection (1)(a) through (c) of this section, the code city shall transmit appropriate fees for a state and national criminal history check to the Washington state patrol, unless alternately arranged. The cost of investigations conducted under this section shall be borne by the code city, unless the code city's budget limits its ability to reasonably absorb such costs. Any fingerprinting costs may be borne by the applicant, although an agency may agree to absorb those costs or reimburse the applicant for those costs upon hire.

(5) The authority for background checks outlined in this section is in addition to any other authority for such checks provided by law.

Sec. 3. RCW 36.01.300 and 2010 c 47 s 1 are each amended to read as follows:

(1) For the purpose of receiving criminal history record information by county officials, counties ((may, by ordinance, require a)) shall establish by ordinance the requirements for a:

(a) State and federal background investigation of license applicants or

licensees in occupations specified by ordinance ((for the purpose of receiving criminal history record information by county officials));

(b) Federal background investigation of county employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the county, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults;

(c) State background investigation of county employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the county, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults; and

(d) Criminal background investigation conducted through a private organization of county employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the county, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults.

(2) The investigation conducted under subsection (1)(a) through (c) of this section shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. ((These))

(3) The background checks conducted under subsection (1)(a) through (c) of this section must be done through the Washington state patrol identification and criminal history section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. The Washington state patrol shall serve as the sole source for receipt of fingerprint submissions and the responses to the submissions from the federal bureau of investigation, which must be disseminated to the county.

(4) For a criminal background check conducted under subsection (1)(a) through (c) of this section, the county shall transmit appropriate fees for a

state and national criminal history check to the Washington state patrol, unless alternately arranged. The cost of investigations conducted under this section shall be borne by the county, unless the county's budget limits its ability to reasonably absorb such costs. Any fingerprinting costs may be borne by the applicant, although an agency may agree to absorb those costs or reimburse the applicant for those costs upon hire.

(5) The authority for background checks outlined in this section is in addition to any other authority for such checks provided by law.

Sec. 4. RCW 35.61.130 and 2006 c 222 s 1 are each amended to read as follows:

(1) A metropolitan park district has the right of eminent domain, and may purchase, acquire and condemn lands lying within or without the boundaries of said park district, for public parks, parkways, boulevards, aviation landings and playgrounds, and may condemn such lands to widen, alter and extend streets, avenues, boulevards, parkways, aviation landings and playgrounds, to enlarge and extend existing parks, and to acquire lands for the establishment of new parks, boulevards, parkways, aviation landings and playgrounds. The right of eminent domain shall be exercised and instituted pursuant to resolution of the board of park commissioners and conducted in the same manner and under the same procedure as is or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, HOWEVER, Funds to pay for condemnation allowed by this section shall be raised only as specified in this chapter.

(2) The board of park commissioners shall have power to employ counsel, and to regulate, manage and control the parks, parkways, boulevards, streets, avenues, aviation landings and playgrounds under its control, and to provide for park police, for a secretary of the board of park commissioners and for all necessary employees, to fix their salaries and duties.

(3) The board of park commissioners shall have power to improve, acquire, extend and maintain, open and lay out, parks, parkways, boulevards, avenues, aviation landings and playgrounds, within or without the park district, and to authorize, conduct and manage the

letting of boats, or other amusement apparatus, the operation of bath houses, the purchase and sale of foodstuffs or other merchandise, the giving of vocal or instrumental concerts or other entertainments, the establishment and maintenance of aviation landings and playgrounds, and generally the management and conduct of such forms of recreation or business as it shall judge desirable or beneficial for the public, or for the production of revenue for expenditure for park purposes; and may pay out moneys for the maintenance and improvement of any such parks, parkways, boulevards, avenues, aviation landings and playgrounds as now exist, or may hereafter be acquired, within or without the limits of said city and for the purchase of lands within or without the limits of said city, whenever it deems the purchase to be for the benefit of the public and for the interest of the park district, and for the maintenance and improvement thereof and for all expenses incidental to its duties: PROVIDED, That all parks, boulevards, parkways, aviation landings and playgrounds shall be subject to the police regulations of the city within whose limits they lie.

(4) ((For all employees, volunteers, or independent contractors, who may, in the course of their work or volunteer activity with the park district, have unsupervised access to children or vulnerable adults, or be responsible for collecting or disbursing cash or processing credit/debit card transactions,))

(a) For the purpose of receiving criminal history record information by metropolitan park districts, metropolitan park districts shall establish by resolution the requirements for a:

(i) State and federal record check of park district employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the park district, may:

(A) Have unsupervised access to children, persons with developmental disabilities, or vulnerable adults; or

(B) Be responsible for collecting or disbursing cash or processing credit/debit card transactions; and

(ii) Criminal background check conducted through a private organization of park district employees, applicants

for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the park district, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults.

(b) The investigation under (a)(i) of this subsection shall consist of a background check as allowed through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, the Washington state criminal records act under RCW 10.97.030((,)) and 10.97.050, and ((through)) the federal bureau of investigation((, including a fingerprint check using a complete Washington state criminal identification fingerprint card)).

(c) The background checks conducted under (a)(i) of this subsection must be done through the Washington state patrol identification and criminal history section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. The Washington state patrol shall serve as the sole source for receipt of fingerprint submissions and the responses to the submissions from the federal bureau of investigation, which must be disseminated to the metropolitan park district.

(d) The park district shall provide a copy of the record report to the employee, volunteer, or independent contractor.

(e) When necessary, as determined by the park district, prospective employees, volunteers, vendors, or independent contractors may be employed on a conditional basis pending completion of the investigation.

(f) If the prospective employee, volunteer, vendor, or independent contractor has had a record check within the previous twelve months, the park district may waive the requirement upon receiving a copy of the record. ((The park district may in its discretion require that the prospective employee, volunteer, or independent contractor pay the costs associated with the record check.))

(g) For background checks conducted pursuant to (c) of this subsection, the metropolitan park district must transmit appropriate fees, as the Washington state patrol may require under RCW 10.97.100

and 43.43.838, to the Washington state patrol, unless alternately arranged. The cost of investigations conducted under this section shall be borne by the park district, unless the park district's budget limits its ability to reasonably absorb such costs. Any fingerprinting costs may be borne by the applicant, although an agency may agree to absorb those costs or reimburse the applicant for those costs upon hire.

(h) The authority for background checks outlined in this section is in addition to any other authority for such checks provided by law."

Correct the title.

Signed by Representatives Appleton, Chair; McBride, Vice Chair; Griffey, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Gregerson and Peterson.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Referred to Committee on Rules for second reading.

March 28, 2017

ESSB 5449 Prime Sponsor, Committee on Early Learning & K-12 Education: Concerning digital citizenship, media literacy, and internet safety in schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Johnson; Kilduff; Lovick; Ortiz-Self; Senn; Slatter; Springer; Steele and Stokesbary.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier; Hargrove and Volz.

MINORITY recommendation: Without recommendation. Signed by Representative McCaslin.

Referred to Committee on Rules for second reading.

March 28, 2017

SB 5490 Prime Sponsor, Senator O'Ban: Concerning notification requirements for the department of social and health services. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.38.070 and 2011 c 309 s 7 are each amended to read as follows:

(1) In any involuntary child custody proceeding seeking the foster care placement of, or the termination of parental rights to, a child in which the petitioning party or the court knows, or has reason to know, that the child is or may be an Indian child as defined in this chapter, the petitioning party shall notify the parent or Indian custodian and the Indian child's tribe or tribes, by certified mail, return receipt requested, and by use of a mandatory Indian child welfare act notice addressed to the tribal agent designated by the Indian child's tribe or tribes for receipt of Indian child welfare act notice, as published by the bureau of Indian affairs in the federal register. If the identity or location of the parent or Indian custodian and the tribe cannot be determined, such notice shall be given to the secretary of the interior by registered mail, return receipt requested, in accordance with the regulations of the bureau of Indian affairs. The secretary of the interior has fifteen days after receipt to provide the requisite notice to the parent or Indian custodian and the tribe. No foster care placement or termination of parental rights proceeding shall be held until at least ten days after receipt of notice by the parent or Indian custodian and the tribe. The parent or Indian custodian or the tribe shall, upon request, be granted up to twenty additional days to prepare for the proceeding.

(2) The determination of the Indian status of a child shall be made as soon as practicable in order to serve the best interests of the Indian child and protect the interests of the child's tribe.

(3)(a) A written determination by an Indian tribe that a child is a member of or eligible for membership in that tribe, or testimony by the tribe attesting to such status shall be conclusive that the child is an Indian child;

(b) A written determination by an Indian tribe that a child is not a member of or eligible for membership in that tribe, or testimony by the tribe attesting to such status shall be conclusive that the child is not a member or eligible for membership in that tribe. Such determinations are presumptively those of the tribe where submitted in the form of a tribal resolution, or signed by or testified to by the person(s)

authorized by the tribe's governing body to speak for the tribe, or by the tribe's agent designated to receive notice under the federal Indian child welfare act where such designation is published in the federal register;

(c) Where a tribe provides no response to notice under ((RCW 13.38.070)) this section, such nonresponse shall not constitute evidence that the child is not a member or eligible for membership. Provided, however, that under such circumstances the party asserting application of the federal Indian child welfare act, or this chapter, will have the burden of proving by a preponderance of the evidence that the child is an Indian child.

(4)(a) Where a child has been determined not to be an Indian child, any party to the proceeding, or an Indian tribe that subsequently determines the child is a member, may, during the pendency of any child custody proceeding to which this chapter or the federal Indian child welfare act applies, move the court for redetermination of the child's Indian status based upon new evidence, redetermination by the child's tribe, or newly conferred federal recognition of the tribe.

(b) This subsection (4) does not affect the rights afforded under 25 U.S.C. Sec. 1914.

Sec. 2. RCW 26.44.100 and 2005 c 512 s 1 are each amended to read as follows:

(1) The legislature finds parents and children often are not aware of their due process rights when agencies are investigating allegations of child abuse and neglect. The legislature reaffirms that all citizens, including parents, shall be afforded due process, that protection of children remains the priority of the legislature, and that this protection includes protecting the family unit from unnecessary disruption. To facilitate this goal, the legislature wishes to ensure that parents and children be advised in writing and orally, if feasible, of their basic rights and other specific information as set forth in this chapter, provided that nothing contained in this chapter shall cause any delay in protective custody action.

(2) The department shall notify the parent, guardian, or legal custodian of a child of any allegations of child abuse or neglect made against such person at

the initial point of contact with such person, in a manner consistent with the laws maintaining the confidentiality of the persons making the complaints or allegations. Investigations of child abuse and neglect should be conducted in a manner that will not jeopardize the safety or protection of the child or the integrity of the investigation process.

Whenever the department completes an investigation of a child abuse or neglect report under this chapter ((26.44 RCW)), the department shall notify the subject of the report of the department's investigative findings. The notice shall also advise the subject of the report that:

(a) A written response to the report may be provided to the department and that such response will be filed in the record following receipt by the department;

(b) Information in the department's record may be considered in subsequent investigations or proceedings related to child protection or child custody;

(c) Founded reports of child abuse and neglect may be considered in determining whether the person is disqualified from being licensed to provide child care, employed by a licensed child care agency, or authorized by the department to care for children; and

(d) A subject named in a founded report of child abuse or neglect has the right to seek review of the finding as provided in this chapter.

(3) The founded finding notification required by this section shall be made by certified mail, return receipt requested, to the person's last known address.

(4) The unfounded finding notification required by this section must be made by regular mail to the person's last known address or by email.

(5) The duty of notification created by this section is subject to the ability of the department to ascertain the location of the person to be notified. The department shall exercise reasonable, good-faith efforts to ascertain the location of persons entitled to notification under this section.

((5)) (6) The department shall provide training to all department personnel who conduct investigations

under this section that shall include, but is not limited to, training regarding the legal duties of the department from the initial time of contact during investigation through treatment in order to protect children and families.

Sec. 3. RCW 43.20B.430 and 1989 c 175 s 99 are each amended to read as follows:

In all cases where a determination is made that the estate of a resident of a residential habilitation center is able to pay all or any portion of the charges, ((a)) an initial notice and finding of responsibility shall be served on the guardian of the resident's estate, or if no guardian has been appointed then to the resident, the resident's spouse, or other person acting in a representative capacity and having property in his or her possession belonging to a resident. The initial notice shall set forth the amount the department has determined that such estate is able to pay, not to exceed the charge as fixed in accordance with RCW 43.20B.420, and the responsibility for payment to the department shall commence twenty-eight days after ((personal)) service of such notice and finding of responsibility. Service of the initial notice shall be in the manner prescribed for the service of a summons in a civil action or may be served by certified mail, return receipt requested. The return receipt signed by addressee only is prima facie evidence of service. An application for an adjudicative proceeding from the determination of responsibility may be made to the secretary by the guardian of the resident's estate, or if no guardian has been appointed then by the resident, the resident's spouse, or other person acting in a representative capacity and having property in his or her possession belonging to a resident of a state school, within such twenty-eight day period. The application must be written and served on the secretary by registered or certified mail, or by personal service. If no application is filed, the notice and finding of responsibility shall become final. If an application is filed, the execution of notice and finding of responsibility shall be stayed pending the final adjudicative order. The hearing shall be conducted in a local department office or other location in Washington convenient to the appellant. The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW.

Sec. 4. RCW 43.20B.435 and 1979 c 141 s 240 are each amended to read as follows:

The secretary, upon application of the guardian of the estate of the resident, and after investigation, or upon investigation without application, may, if satisfied of the financial ability or inability of such person to make payments in accordance with the ((original)) initial finding of responsibility as provided for in RCW 43.20B.430, modify or vacate such ((original)) initial finding of responsibility, and enter a new finding of responsibility. The secretary's determination to modify or vacate findings of responsibility shall be served ((and)) by regular mail. A new finding of responsibility shall be appealable in the same manner and in accordance with the same procedure for appeals of ((original)) initial findings of responsibility.

Sec. 5. RCW 43.20B.635 and 1990 c 100 s 1 are each amended to read as follows:

(1) After service of a notice of debt for an overpayment as provided for in RCW 43.20B.630, stating the debt accrued, the secretary may issue to any person, firm, corporation, association, political subdivision, or department of the state, an order to withhold and deliver property of any kind including, but not restricted to, earnings which are due, owing, or belonging to the debtor, when the secretary has reason to believe that there is in the possession of such person, firm, corporation, association, political subdivision, or department of the state property which is due, owing, or belonging to the debtor.

(2)(a) The order to withhold and deliver shall state the amount of the debt, and shall state in summary the terms of this section, RCW 6.27.150 and 6.27.160, chapters 6.13 and 6.15 RCW, 15 U.S.C. 1673, and other state or federal exemption laws applicable generally to debtors.

(b) The order to withhold and deliver shall be served ((in the manner prescribed for the service of a summons in a civil action or by certified mail, return receipt requested)) by regular mail or, with a party's agreement, electronically.

(3)(a) Any person, firm, corporation, association, political subdivision, or department of the state upon whom service has been made shall answer the order to

withhold and deliver within twenty days, exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of therein.

(b) The secretary may require further and additional answers to be completed by the person, firm, corporation, association, political subdivision, or department of the state.

(c) If any such person, firm, corporation, association, political subdivision, or department of the state possesses any property which may be subject to the claim of the department of social and health services, such property shall be withheld immediately upon receipt of the order to withhold and deliver and shall, after the twenty-day period, upon demand, be delivered forthwith to the secretary.

(d) The secretary shall hold the property in trust for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability. In the alternative, there may be furnished to the secretary a good and sufficient bond, satisfactory to the secretary, conditioned upon final determination of liability.

(e) Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, association, political subdivision, or department of the state subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the secretary. Delivery to the secretary, subject to the exemptions under RCW 6.27.150 and 6.27.160, chapters 6.13 and 6.15 RCW, 15 U.S.C. 1673, and other state or federal law applicable generally to debtors, of the money or other property held or claimed satisfies the requirement of the order to withhold and deliver. Delivery to the secretary serves as full acquittance, and the state warrants and represents that it shall defend and hold harmless for such actions persons delivering money or property to the secretary pursuant to this chapter. The state also warrants and represents that it shall defend and hold harmless for such actions persons withholding money or property pursuant to this chapter.

(4)(a) The secretary shall also, on or before the date of service of the order to withhold and deliver, mail or cause to

be mailed ((by certified mail)) a copy of the order to withhold and deliver to the debtor at the debtor's last known post office address(,) or, ((in the alternative, a copy of the order to withhold and deliver shall be served on the debtor in the same manner as a summons in a civil action on or before the date of service of the order or within two days thereafter)) with a party's agreement serve the order upon the debtor electronically on or before the date of service of the order to withhold and deliver.

(b) The copy of the order shall be mailed or served together with a concise explanation of the right to petition for a hearing on any issue related to the collection. This requirement is not jurisdictional, but, if the copy is not mailed or served as provided in this section, or if any irregularity appears with respect to the mailing or service electronically, the superior court, on its discretion on motion of the debtor promptly made and supported by affidavit showing that the debtor has suffered substantial injury due to the failure to mail the copy or serve the copy electronically, may set aside the order to withhold and deliver and award to the debtor an amount equal to the damages resulting from the secretary's failure to serve on or mail to the debtor the copy.

Sec. 6. RCW 74.20A.320 and 2009 c 408 s 1 are each amended to read as follows:

(1) The department may serve upon a responsible parent a notice informing the responsible parent of the department's intent to submit the parent's name to the department of licensing and any appropriate licensing entity as a licensee who is not in compliance with a child support order. ((The department shall attach a copy of the responsible parent's child support order to the notice.))

(a) If the support order establishing or modifying the child support obligation includes a statement required under RCW 26.23.050 that the responsible parent's privileges to obtain and maintain a license may not be renewed or may be suspended if the parent is not in compliance with a support order, the department may send the notice required by this section to the responsible parent by regular mail, addressed to the responsible parent's last known mailing address on file with the department or by personal service. Notice by regular mail

is deemed served three days from the date the notice was deposited with the United States postal service.

(b) If the support order does not include a statement as required under RCW 26.23.050 that the responsible parent's privileges to obtain and maintain a license may not be renewed or may be suspended if the parent is not in compliance with a support order, service of the notice required by this section to the responsible parent must be by certified mail, return receipt requested. The department must attach a copy of the responsible parent's child support order to the notice. If service by certified mail is not successful, service shall be by personal service.

(2) The notice of noncompliance must include the following information:

(a) The address and telephone number of the department's division of child support office that issued the notice;

(b) That in order to prevent the department from certifying the parent's name to the department of licensing or any other licensing entity, the parent has twenty days from receipt of the notice to contact the department and:

(i) Pay the overdue support amount in full;

(ii) Request an adjudicative proceeding as provided in RCW 74.20A.322;

(iii) Agree to a payment schedule with the department as provided in RCW 74.20A.326; or

(iv) File an action to modify the child support order with the appropriate court or administrative forum, in which case the department will stay the certification process up to six months;

(c) That failure to contact the department within twenty days of receipt of the notice will result in certification of the responsible parent's name to the department of licensing and any other appropriate licensing entity for noncompliance with a child support order. Upon receipt of the notice:

(i) The licensing entity will suspend or not renew the parent's license and the department of licensing will suspend or not renew any driver's license that the parent holds until the parent provides the department of licensing and the licensing entity with a release from the

department stating that the responsible parent is in compliance with the child support order;

(ii) The department of fish and wildlife will suspend a fishing license, hunting license, occupational licenses, such as a commercial fishing license, or any other license issued under chapter 77.32 RCW that the responsible parent may possess, and suspension of a license by the department of fish and wildlife may also affect the parent's ability to obtain permits, such as special hunting permits, issued by the department. Notice from the department of licensing that a responsible parent's driver's license has been suspended shall serve as notice of the suspension of a license issued under chapter 77.32 RCW;

(d) That suspension of a license will affect insurability if the responsible parent's insurance policy excludes coverage for acts occurring after the suspension of a license;

(e) If the responsible parent subsequently comes into compliance with the child support order, the department will promptly provide the parent and the appropriate licensing entities with a release stating that the parent is in compliance with the order.

(3) When a responsible parent who is served notice under subsection (1) of this section subsequently complies with the child support order, a copy of a release stating that the responsible parent is in compliance with the order shall be transmitted by the department to the appropriate licensing entities.

(4) The department of licensing and a licensing entity may renew, reinstate, or otherwise extend a license in accordance with the licensing entity's or the department of licensing's rules after the licensing entity or the department of licensing receives a copy of the release specified in subsection (3) of this section. The department of licensing and a licensing entity may waive any applicable requirement for reissuance, renewal, or other extension if it determines that the imposition of that requirement places an undue burden on the person and that waiver of the requirement is consistent with the public interest."

Correct the title.

Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; Frame;

Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative McCaslin.

Referred to Committee on Rules for second reading.

March 27, 2017

3SSB 5558 Prime Sponsor, Committee on Ways & Means: Issuing a two-year identicard for offenders released from prison facilities. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Appropriations.

March 27, 2017

SB 5632 Prime Sponsor, Senator O'Ban: Modifying organized retail theft provisions. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.56.350 and 2009 c 431 s 15 are each amended to read as follows:

(1) A person is guilty of organized retail theft if he or she:

(a) Commits theft of property with a value of at least seven hundred fifty dollars from a mercantile establishment with an accomplice;

(b) Possesses stolen property, as defined in RCW 9A.56.140, with a value of at least seven hundred fifty dollars from a mercantile establishment with an accomplice; ((or))

(c) Commits theft of property with a cumulative value of at least seven hundred fifty dollars from one or more mercantile establishments within a period of up to one hundred eighty days; or

(d) Commits theft of property with a cumulative value of at least seven hundred fifty dollars from a mercantile establishment with no less than six accomplices and makes or sends at least one electronic communication seeking participation in the theft in the course of planning or commission of the theft.

For the purposes of this subsection, "electronic communication" has the same meaning as defined in RCW 9.61.260(5).

(2) A person is guilty of organized retail theft in the first degree if the property stolen or possessed has a value of five thousand dollars or more. Organized retail theft in the first degree is a class B felony.

(3) A person is guilty of organized retail theft in the second degree if the property stolen or possessed has a value of at least seven hundred fifty dollars, but less than five thousand dollars. Organized retail theft in the second degree is a class C felony.

(4) For purposes of this section, a series of thefts committed by the same person from one or more mercantile establishments over a period of one hundred eighty days may be aggregated in one count and the sum of the value of all the property shall be the value considered in determining the degree of the organized retail theft involved. Theft committed by the same person in different counties that have been aggregated in one county may be prosecuted in any county in which any one of the thefts occurred. For purposes of subsection (1)(d) of this section, thefts committed by the principal and accomplices may be aggregated into one count and the value of all the property shall be the value considered in determining the degree of organized retail theft involved.

(5) The mercantile establishment or establishments whose property is alleged to have been stolen may request that the charge be aggregated with other thefts of property about which the mercantile establishment or establishments is aware. In the event a request to aggregate the prosecution is declined, the mercantile establishment or establishments shall be promptly advised by the prosecuting jurisdiction making the decision to decline aggregating the prosecution of the decision and the reasons for such decision."

Correct the title.

Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Appropriations.

SB 5662 March 28, 2017  
Prime Sponsor, Senator Zeiger:  
Authorizing the superintendent of public instruction to designate a member of the professional educator standards board.  
Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Hargrove; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Springer; Steele; Stokesbary and Volz.

Referred to Committee on Rules for second reading.

SB 5674 March 28, 2017  
Prime Sponsor, Senator Palumbo:  
Addressing the final approval of subdivisions of land. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; McBride, Vice Chair; Gregerson and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Pike, Assistant Ranking Minority Member and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey, Ranking Minority Member.

Referred to Committee on Rules for second reading.

SSB 5835 March 28, 2017  
Prime Sponsor, Committee on Ways & Means: Promoting healthy outcomes for pregnant women and infants. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Doglio; Frame and Pike.

Referred to Committee on Appropriations.

#### REPORTS OF STANDING COMMITTEES 2<sup>ND</sup> SUPPLEMENTAL

HB 1067 March 28, 2017  
Prime Sponsor, Representative Ormsby:  
Making 2017-2019 fiscal biennium operating appropriations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist; Cody; Fitzgibbon; Hansen; Hudgins; Jinkins; Kagi; Lytton; Pettigrew; Pollet; Sawyer; Senn; Springer; Stanford and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys; Condotta; Haler; Harris; Manweller; Nealey; Schmick; Taylor; Vick and Volz.

Referred to Committee on Rules for second reading.

March 28, 2017  
SB 5037 Prime Sponsor, Senator Padden: Making a fourth driving offense a felony. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representative Appleton.

Referred to Committee on Appropriations.

March 28, 2017  
SSB 5046 Prime Sponsor, Committee on Local Government: Providing public notices of public health, safety, and welfare in a language other than English. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that, as a matter of human dignity, all persons are to be informed of emergency notifications in a manner in which they can understand. It is the intent of the legislature that all persons who may be in harm's way in an emergency are informed of their peril, and informed of appropriate actions they should take to protect themselves and their families.

NEW SECTION. Sec. 2. A new section is added to chapter 38.52 RCW to read as follows:

(1) When an emergency is proclaimed by the governor, state agencies required by

law or rule to provide life safety information shall provide life safety information in a language or manner that can be understood to significant population segments as defined in RCW 38.52.070, unless technologically infeasible.

(2) When an emergency is proclaimed by a political subdivision, the proclaiming political subdivision shall provide life safety information in a language or manner that can be understood to significant population segments as defined in RCW 38.52.070, unless technologically infeasible.

Sec. 3. RCW 38.52.010 and 2015 c 61 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Communication plan," as used in RCW 38.52.070, means a section in a local comprehensive emergency management plan that addresses emergency notification of life safety information.

(2) "Continuity of operations planning" means the internal effort of an organization to assure that the capability exists to continue essential functions and services in response to a comprehensive array of potential emergencies or disasters.

((2)) (3) "Department" means the state military department.

((3)) (4) "Director" means the adjutant general.

((4)) (5) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, technological, or human caused, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

((5)) (6) (a) "Emergency or disaster" as used in all sections of this chapter except RCW 38.52.430 shall mean an event

or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

((6)) (7) "Emergency response" as used in RCW 38.52.430 means a public agency's use of emergency services during an emergency or disaster as defined in subsection ((5)) (6)(b) of this section.

((7)) (8) "Emergency worker" means any person who is registered with a local emergency management organization or the department and holds an identification card issued by the local emergency management director or the department for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

((8)) (9) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor in those cities and towns with mayor-council or commission forms of government, where the mayor is directly elected, and it means the city manager in those cities and towns with council manager forms of government. Cities and towns may also designate an executive head for the purposes of this chapter by ordinance.

((9)) (10) "Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, firefighting,

rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

((10)) (11) "Incident command system" means: (a) An all-hazards, on-scene functional management system that establishes common standards in organization, terminology, and procedures; provides a means (unified command) for the establishment of a common set of incident objectives and strategies during multiagency/multijurisdiction operations while maintaining individual agency/jurisdiction authority, responsibility, and accountability; and is a component of the national interagency incident management system; or (b) an equivalent and compatible all-hazards, on-scene functional management system.

((11)) (12) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

((12)) (13) "Life safety information" means information or instructions provided to people to reduce their risk of harm and to keep them safe in response to life-threatening events. Such information may include, but is not limited to, information regarding evacuation, sheltering, sheltering-in-place, facility lockdown, and where to obtain food and water.

(14) "Local director" means the director of a local organization of emergency management or emergency services.

((13)) (15) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

((14)) (16) "Political subdivision" means any county, city or town.

((15)) (17) "Public agency" means the state, and a city, county, municipal corporation, district, town, or public authority located, in whole or in part, within this state which provides or may provide firefighting, police, ambulance, medical, or other emergency services.

((16)) (18) "Radio communications service company" has the meaning ascribed to it in RCW 82.14B.020.

((17)) (19) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, technological, or human caused disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

Sec. 4. RCW 38.52.070 and 1997 c 49 s 4 are each amended to read as follows:

(1) Each political subdivision of this state is hereby authorized and directed to establish a local organization or to be a member of a joint local organization for emergency management in accordance with the state comprehensive emergency management plan and program: PROVIDED, That a political subdivision proposing such establishment shall submit its plan and program for emergency management to the state director and secure his or her recommendations thereon, and verification of consistency with the state comprehensive emergency management plan, in order that the plan of the local organization for emergency management may be coordinated with the plan and program of the state. Local comprehensive emergency management plans must specify the use of the incident command system for multiagency/multijurisdiction operations. No political subdivision may be required to include in its plan provisions for the emergency evacuation or relocation of residents in anticipation of nuclear attack. If the director's recommendations are adverse to the plan as submitted, and, if the local organization does not agree to the director's recommendations for modification to the proposal, the matter shall be referred to the council for final action. The director may authorize two or more political subdivisions to join in the establishment and operation of a joint local organization for emergency management as circumstances may warrant, in which case each political subdivision shall contribute to the cost of emergency management upon such fair and equitable basis as may be determined upon by the executive heads of the constituent subdivisions. If in any case

the executive heads cannot agree upon the proper division of cost the matter shall be referred to the council for arbitration and its decision shall be final. When two or more political subdivisions join in the establishment and operation of a joint local organization for emergency management each shall pay its share of the cost into a special pooled fund to be administered by the treasurer of the most populous subdivision, which fund shall be known as the . . . . . emergency management fund. Each local organization or joint local organization for emergency management shall have a director who shall be appointed by the executive head of the political subdivision, and who shall have direct responsibility for the organization, administration, and operation of such local organization for emergency management, subject to the direction and control of such executive officer or officers. In the case of a joint local organization for emergency management, the director shall be appointed by the joint action of the executive heads of the constituent political subdivisions. Each local organization or joint local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this chapter.

(2) In carrying out the provisions of this chapter each political subdivision, in which any disaster as described in RCW 38.52.020 occurs, shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each political subdivision is authorized to exercise the powers vested under this section in the light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the

rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds.

(3)(a) Each local organization or joint local organization for emergency management that produces a local comprehensive emergency management plan must include a communication plan for notifying significant population segments of life safety information during an emergency. Local organizations and joint local organizations are encouraged to consult with affected community organizations in the development of the communication plans.

(i) In developing communication plans, local organizations and joint organizations should consider, as part of their determination of the extent of the obligation to provide emergency notification to significant population segments, the following factors: The number or proportion of the limited English proficiency persons eligible to be served or likely to be encountered; the frequency with which limited English proficiency individuals come in contact with the emergency notification; the nature and importance of the emergency notification, service, or program to people's lives; and the resources available to the political subdivision to provide emergency notifications.

(ii) "Significant population segment" means, for the purposes of this subsection (3), each limited English proficiency language group that constitutes five percent or one thousand residents, whichever is less, of the population of persons eligible to be served or likely to be affected within a city, town, or county. The office of financial management forecasting division's limited English proficiency population estimates are the demographic data set for determining eligible limited English proficiency language groups.

(b) Local organizations and joint local organizations must submit the plans produced under (a) of this subsection to the Washington military department emergency management division. An initial communication plan must be submitted with the local organization or joint local organization's next local emergency management plan update following the effective date of this section, and subsequent plans must be reviewed in accordance with the director's schedule. For any instance in

which a local organization or joint local organization has deployed its communication plan since its last reporting, the information as described in (c)(ii) of this subsection must also be provided.

(c) Beginning on December 1, 2019, the Washington military department emergency management division must submit a report every five years to the relevant committees of the legislature with the following information with respect to each local organization or joint local organization:

(i) Compliance with the communication plan requirement in (a) of this subsection; and

(ii) Information describing any instance in which a communication plan was deployed, including the nature of the emergency and the efficacy of the communications.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Appleton; Chapman; Orwall and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Griffey and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representative Holy.

Referred to Committee on Appropriations.

March 28, 2017  
**SB 5070** Prime Sponsor, Senator Rivers:  
 Concerning paraeducators. Reported by  
 Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. Paraeducators provide the majority of instruction in programs designed by the legislature to reduce the opportunity gap. By setting common statewide standards, requiring training in the standards, and offering career

development for paraeducators, as well as training for teachers and principals who work with paraeducators, students in these programs have a better chance of succeeding.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advanced paraeducator certificate" means a credential earned by a paraeducator who may have the following duties: Assisting in highly impacted classrooms, assisting in specialized instructional support and instructional technology applications, mentoring and coaching other paraeducators, and acting as a short-term emergency substitute teacher.

(2) "Board" means the paraeducator board established in section 3 of this act.

(3) "English language learner programs" means the English language learners program, the transitional bilingual instruction program, and the federal limited English proficiency program.

(4) "English language learner certificate" means a credential earned by a paraeducator working with students in English language learner programs.

(5) "Paraeducator" means a classified public school or school district employee who works under the supervision of a certificated or licensed staff member to support and assist in providing instructional and other services to students and their families. Paraeducators are not considered certificated instructional staff as that term and its meaning are used in this title.

(6) "Special education certificate" means a credential earned by a paraeducator working with students in special education programs.

NEW SECTION. Sec. 3. PARAEDUCATOR BOARD CREATED. (1)(a) The paraeducator board is created, consisting of nine members to be appointed to four-year terms.

(b) Vacancies on the board must be filled by appointment or reappointment as described in subsection (2) of this section to terms of four years.

(c) No person may serve as a member of the board for more than two consecutive full four-year terms.

(d) The governor must biennially appoint the chair of the board. No board member may serve as chair for more than four consecutive years.

(2) Appointments to the board must be made as follows, subject to confirmation by the senate:

(a) The superintendent of public instruction shall appoint a basic education paraeducator, a special education paraeducator, an English language learner paraeducator, a teacher, a principal, and a representative of the office of the superintendent of public instruction;

(b) The Washington state parent teacher association shall appoint a parent whose child receives instructional support from a paraeducator;

(c) The state board for community and technical colleges shall appoint a representative of the community and technical college system; and

(d) The student achievement council shall appoint a representative of a four-year institution of higher education as defined in RCW 28B.10.016.

(3) The professional educator standards board shall administer the board.

(4) Each member of the board must be compensated in accordance with RCW 43.03.240 and must be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

(5) Members of the board may create informal advisory groups as needed to inform the board's work.

(6) The governor may remove a member of the board for neglect of duty, misconduct, malfeasance or misfeasance in office, or for incompetency or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from the board, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

NEW SECTION. Sec. 4. POWERS AND DUTIES OF PARAEDUCATOR BOARD. (1) The paraeducator board has the following powers and duties:

(a) Based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014, adopt: (i) Minimum employment requirements for paraeducators, as described in section 5 of this act; and (ii) paraeducator standards of practice, as described in section 6 of this act;

(b) Establish requirements and policies for a general paraeducator certificate, as described in section 8 of this act;

(c) Based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014, establish requirements and policies for subject matter certificates in English language learner and special education, as described in section 9 of this act;

(d) Based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014, establish requirements and policies for an advanced paraeducator certificate, as described in section 10 of this act;

(e) By September 1, 2018, approve, and develop if necessary, courses required to meet the provisions of this chapter, where the courses are offered in a variety of means that will limit cost and improve access;

(f) Make policy recommendations, as necessary, for a paraeducator career ladder that will increase opportunities for paraeducator advancement through advanced education, professional learning, and increased instructional responsibility;

(g) Collaborate with the office of the superintendent of public instruction to adapt the electronic educator certification process to include paraeducator certificates; and

(h) Adopt rules under chapter 34.05 RCW that are necessary for the effective and efficient implementation of this chapter.

(2) The superintendent of public instruction shall act as the administrator of any such rules and have the power to issue any paraeducator certificates and revoke the same in accordance with board rules.

NEW SECTION. Sec. 5. PARAEDUCATOR MINIMUM EMPLOYMENT REQUIREMENTS. Effective September 1, 2017, the minimum employment requirements for paraeducators are as provided in this section. The paraeducator must:

(1) Be at least eighteen years of age and hold a high school diploma or its equivalent; and

(2)(a) Have received a passing grade on the education testing service paraeducator assessment; or

(b) Hold an associate of arts degree; or

(c) Have earned seventy-two quarter credits or forty-eight semester credits at an institution of higher education; or

(d) Have completed a registered apprenticeship program.

NEW SECTION. Sec. 6. PARAEDUCATOR STANDARDS OF PRACTICE. The board shall adopt state standards of practice for paraeducators that are based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014. These standards must include:

(1) Supporting instructional opportunities;

(2) Demonstrating professionalism and ethical practices;

(3) Supporting a positive and safe learning environment;

(4) Communicating effectively and participating in the team process; and

(5) Demonstrating cultural competency aligned with standards developed by the professional educator standards board under RCW 28A.410.270.

NEW SECTION. Sec. 7. FUNDAMENTAL COURSE OF STUDY. (1) Subject to the availability of amounts appropriated for this specific purpose, beginning September 1, 2019, school districts must provide a four-day fundamental course of study on the state standards of practice, as defined by the board, to paraeducators who have not completed the course, either in the district or in another district within the state. School districts must use best efforts to provide the fundamental course of study before the paraeducator begins to work with students and their families, and at a minimum by the deadlines provided in subsection (2) of this section.

(2) School districts must provide the fundamental course of study required in subsection (1) of this section as follows:

(a) For paraeducators hired on or before September 1st, by September 30th of that year, regardless of the size of the district; and

(b) For paraeducators hired after September 1st:

(i) For districts with ten thousand or more students, within four months of the date of hire; and

(ii) For districts with fewer than ten thousand students, no later than September 1st of the following year.

(3) School districts may collaborate with other school districts or educational service districts to meet the requirements of this section.

NEW SECTION. Sec. 8. GENERAL PARAEDUCATOR CERTIFICATE. (1) (a) Paraeducators may become eligible for a general paraeducator certificate by completing the four-day fundamental course of study, as required under section 7 of this act, and an additional ten days of general courses, as defined by the board, on the state paraeducator standards of practice, described in section 6 of this act.

(b) Paraeducators are not required to meet the general paraeducator certificate requirements under this subsection (1) unless amounts are appropriated for the specific purposes of subsection (2) of this section and section 7 of this act.

(2) Subject to the availability of amounts appropriated for this specific purpose, beginning September 1, 2019, school districts must:

(a) Provide paraeducators with general courses on the state paraeducator standards of practice; and

(b) Ensure all paraeducators employed by the district meet the general certification requirements of this section within three years of completing the four-day fundamental course of study.

(3) The general paraeducator certificate does not expire.

NEW SECTION. Sec. 9. PARAEDUCATOR SUBJECT MATTER CERTIFICATES. (1) The board shall adopt requirements and policies for paraeducator subject matter

certificates in special education and in English language learner that are based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014.

(2) The rules adopted by the board must include the following requirements:

(a) A subject matter certificate is not a prerequisite for a paraeducator working in any program;

(b) Paraeducators may become eligible for a subject matter certificate by completing twenty hours of professional development in the subject area of the certificate; and

(c) Subject matter certificates expire after five years.

NEW SECTION. Sec. 10. ADVANCED PARAEDUCATOR CERTIFICATE. (1) The board shall adopt requirements and policies for an advanced paraeducator certificate that are based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014.

(2) The rules adopted by the board must include the following requirements:

(a) An advanced paraeducator certificate is not a prerequisite for a paraeducator working in any program;

(b) Paraeducators may become eligible for an advanced paraeducator certificate by completing seventy-five hours of professional development in topics related to the duties of an advanced paraeducator; and

(c) Advanced paraeducator certificates expire after five years.

NEW SECTION. Sec. 11. PILOTS. (1) By September 1, 2018, and subject to the availability of amounts appropriated for this specific purpose, the board shall distribute grants to a diverse set of school districts that volunteer to pilot the state paraeducator standards of practice, the paraeducator certificates, and the courses described in this chapter.

(2) By September 1, 2019, the volunteer districts must report to the board with the outcomes of the pilot and any recommendations for implementing the paraeducator standards of practice, paraeducator certificates, and courses statewide. The outcomes reported must include:

(a) An analysis of the costs to the district to implement the state standards of practice by making available the required four-day fundamental course of study;

(b) The number of paraeducators who completed the course of study in the state standards of practice;

(c) The number of paraeducators who earned an advanced paraeducator certificate, or a special education or English language learner certificate;

(d) Any cost to the district and the paraeducator to earn a certificate; and

(e) The impact on the size and assignment of the paraeducator workforce as a result of the pilot.

(3) By November 1, 2019, and in compliance with RCW 43.01.036, the board shall submit a report to the appropriate committees of the legislature that summarizes the outcomes of the pilots and recommends any statutory changes necessary to improve the statewide standards of practice, paraeducator certificate requirements, and courses of study necessary to meet these standards and requirements, among other things.

(4) This section expires July 1, 2020.

NEW SECTION. Sec. 12. STUDY ON EFFECTIVENESS OF PARAEDUCATORS. (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington state institute for public policy shall conduct a study on the effectiveness of paraeducators in improving student outcomes in Washington state. The study must examine variation in the use of paraeducators across public schools and school districts and analyze whether and the extent that any differences in students' academic progress can be attributed to the use of paraeducators. The office of the superintendent of public instruction and the education data center shall provide the data necessary to conduct the analysis. The study must also include a review of the national research literature on the effectiveness of paraeducators in improving student outcomes.

(2) By December 15, 2017, and in compliance with RCW 43.01.036, the institute must submit a final report to the appropriate committees of the legislature.

(3) This section expires July 1, 2020.

NEW SECTION. Sec. 13. A new section is added to chapter 28A.300 RCW to read as follows:

TEACHER AND ADMINISTRATOR PROFESSIONAL LEARNING.

(1) The superintendent of public instruction, in consultation with the paraeducator board created in section 3 of this act and the professional educator standards board, shall design a training program for teachers and administrators as it relates to their role working with paraeducators. Teacher training must include how to direct a paraeducator working with students in the paraeducators' classroom. Administrator training must include how to supervise and evaluate paraeducators.

(2) Subject to the availability of amounts appropriated for this specific purpose, the training program designed under subsection (1) of this section must be made available to public schools, school districts, and educational service districts.

NEW SECTION. Sec. 14. A new section is added to chapter 28A.410 RCW to read as follows:

TEACHER AND ADMINISTRATOR PREPARATION.

The professional educator standards board, in consultation with the paraeducator board created in section 3 of this act and the office of the superintendent of public instruction, shall incorporate into the content required to complete a professional educator standards board-approved teacher or administrator preparation program the following:

(1) For teachers, information on how to direct a paraeducator working with students in the paraeducators' classroom; and

(2) For administrators, information on how to supervise and evaluate paraeducators.

Sec. 15. RCW 28A.150.203 and 2009 c 548 s 102 are each amended to read as follows:

CLASSIFIED EMPLOYEE MEANS PARAEDUCATOR.

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

(1) "Basic education goal" means the student learning goals and the student

knowledge and skills described under RCW 28A.150.210.

(2) "Certificated administrative staff" means all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(3) "Certificated employee" as used in this chapter and RCW 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those persons who hold certificates as authorized by rule of the Washington professional educator standards board.

(4) "Certificated instructional staff" means those persons employed by a school district who are nonsupervisory certificated employees within the meaning of RCW 41.59.020(8), except for paraeducators.

(5) "Class size" means an instructional grouping of students where, on average, the ratio of students to teacher is the number specified.

(6) "Classified employee" means a person who is employed as a paraeducator and a person who does not hold a professional education certificate or is employed in a position that does not require such a certificate.

(7) "Classroom teacher" means a person who holds a professional education certificate and is employed in a position for which such certificate is required whose primary duty is the daily educational instruction of students. In exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision, but the hiring of such classified employees shall not occur during a labor dispute, and such classified employees shall not be hired to replace certificated employees during a labor dispute.

(8) "Instructional program of basic education" means the minimum program required to be provided by school districts and includes instructional hour requirements and other components under RCW 28A.150.220.

(9) "Program of basic education" means the overall program under RCW 28A.150.200 and deemed by the legislature to comply

with the requirements of Article IX, section 1 of the state Constitution.

(10) "School day" means each day of the school year on which pupils enrolled in the common schools of a school district are engaged in academic and career and technical instruction planned by and under the direction of the school.

(11) "School year" includes the minimum number of school days required under RCW 28A.150.220 and begins on the first day of September and ends with the last day of August, except that any school district may elect to commence the annual school term in the month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

(12) "Teacher planning period" means a period of a school day as determined by the administration and board of ((the)) directors of the district that may be used by teachers for instruction-related activities including but not limited to preparing instructional materials; reviewing student performance; recording student data; consulting with other teachers, instructional assistants, mentors, instructional coaches, administrators, and parents; or participating in professional development.

Sec. 16. RCW 28A.410.062 and 2011 1st sp.s. c 23 s 1 are each amended to read as follows:

#### PARAEDUCATOR CERTIFICATE FEES.

(1) The legislature finds that the current economic environment requires that the state, when appropriate, charge for some of the services provided directly to the users of those services. The office of the superintendent of public instruction is currently supported with state funds to process certification fees. In addition, the legislature finds that the processing of certifications should be moved to an online system that allows educators to manage their certifications and provides better information to policymakers. The legislature intends to assess a certification processing fee to eliminate state-funded support of the cost to issue educator certificates.

(2) In addition to the certification fee established under RCW 28A.410.060 for certificated instructional staff as defined in RCW 28A.150.203, the superintendent of public instruction shall charge an application processing fee for initial educator certificates and subsequent actions, and paraeducator certificates and subsequent actions. The superintendent of public instruction shall establish the amount of the fee by rule under chapter 34.05 RCW. The superintendent shall set the fee at a sufficient level to defray the costs of administering the educator certification program under RCW 28A.300.040(9) and the paraeducator certificate program under the chapter created in section 21 of this act. Revenue generated through the processing fee shall be deposited in the educator certification processing account.

(3) The educator certification processing account is established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received from the fees collected in subsection (2) of this section. Moneys in the account may be spent only for the processing of educator certificates and subsequent actions and paraeducator certificates and subsequent actions. Disbursements from the account shall be on authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

Sec. 17. RCW 28A.630.400 and 2011 1st sp.s. c 11 s 132 are each amended to read as follows:

PARAEDUCATOR ASSOCIATE OF ARTS.

(1) The professional educator standards board and the state board for community and technical colleges, in consultation with the superintendent of public instruction, the state apprenticeship training council, and community colleges, shall adopt rules as necessary under chapter 34.05 RCW to implement the paraeducator associate of arts degree.

(2) As used in this section, a "paraeducator" is an individual who has completed an associate of arts degree for a paraeducator. The paraeducator may be hired by a school district to assist

certificated instructional staff in the direct instruction of children in small and large groups, individualized instruction, testing of children, recordkeeping, and preparation of materials. The paraeducator shall work under the direction of instructional certificated staff.

(3)(a) The training program for a paraeducator associate of arts degree shall include, but is not limited to, the general requirements for receipt of an associate of arts degree and training in the areas of introduction to childhood education, orientation to children with disabilities, fundamentals of childhood education, creative activities for children, instructional materials for children, fine art experiences for children, the psychology of learning, introduction to education, child health and safety, child development and guidance, first aid, and a practicum in a school setting.

(b) Subject to the availability of amounts appropriated for this specific purpose, by September 1, 2018, the training program for a paraeducator associate of arts degree must incorporate the state paraeducator standards of practice adopted by the paraeducator board under section 6 of this act.

(4) Consideration shall be given to transferability of credit earned in this program to teacher preparation programs at colleges and universities.

Sec. 18. RCW 28A.660.040 and 2010 c 235 s 504 are each amended to read as follows:

TEACHER ALTERNATIVE ROUTE PROGRAMS FOR PARAEDUCATORS.

Alternative route programs under this chapter shall operate one to four specific route programs. Successful completion of the program shall make a candidate eligible for residency teacher certification. The mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the teacher preparation program must both agree that the teacher candidate has successfully completed the program.

(1) Alternative route programs operating route one programs shall enroll currently employed classified instructional employees with transferable associate degrees seeking residency teacher certification with ((endorsements in special education,

bilingual education, or English as a second language)) an endorsement in subject matter shortage areas, as defined by the professional educator standards board. It is anticipated that candidates enrolled in this route will complete both their baccalaureate degree and requirements for residency certification in two years or less, including a mentored internship to be completed in the final year. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including one year of successful student interaction and leadership as a classified instructional employee;

(b) Successful passage of the statewide basic skills exam; and

(c) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers.

(2) Alternative route programs operating route two programs shall enroll currently employed classified staff with baccalaureate degrees seeking residency teacher certification in subject matter shortage areas and areas with shortages due to geographic location. Candidates enrolled in this route must complete a mentored internship complemented by flexibly scheduled training and coursework offered at a local site, such as a school or educational service district, or online or via videoconference over the K-20 network, in collaboration with the partnership program's higher education partner. In addition, partnership grant programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including one year of successful student interaction and leadership as classified staff;

(b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's college or university grade point average may be considered as a selection factor;

(c) Successful completion of the subject matter assessment required by RCW 28A.410.220(3);

(d) Meeting the age, good moral character, and personal fitness

requirements adopted by rule for teachers; and

(e) Successful passage of the statewide basic skills exam.

(3) Alternative route programs seeking funds to operate route three programs shall enroll individuals with baccalaureate degrees, who are not employed in the district at the time of application. When selecting candidates for certification through route three, districts and approved preparation program providers shall give priority to individuals who are seeking residency teacher certification in subject matter shortage areas or shortages due to geographic locations. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship, followed, if necessary, by a second summer teaching academy. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;

(b) Successful completion of the subject matter assessment required by RCW 28A.410.220(3);

(c) External validation of qualifications, including demonstrated successful experience with students or children, such as reference letters and letters of support from previous employers;

(d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(e) Successful passage of statewide basic skills exam.

(4) Alternative route programs operating route four programs shall enroll individuals with baccalaureate degrees, who are employed in the district at the time of application, or who hold conditional teaching certificates or emergency substitute certificates. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship. If employed on a conditional certificate,

the intern may serve as the teacher of record, supported by a well-trained mentor. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;

(b) Successful completion of the subject matter assessment required by RCW 28A.410.220(3);

(c) External validation of qualifications, including demonstrated successful experience with students or children, such as reference letters and letters of support from previous employers;

(d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(e) Successful passage of statewide basic skills exam.

(5) Applicants for alternative route programs who are eligible veterans or national guard members and who meet the entry requirements for the alternative route program for which application is made shall be given preference in admission.

Sec. 19. RCW 28A.660.042 and 2007 c 396 s 6 are each amended to read as follows:

PIPELINE FOR PARAEDUCATORS SCHOLARSHIP.

(1) The pipeline for paraeducators conditional scholarship program is created. Participation is limited to paraeducators without a college degree who have at least three years of classroom experience. It is anticipated that candidates enrolled in this program will complete their associate of arts degree at a community and technical college in two years or less and become eligible for ((a mathematics, special education, or English as a second language endorsement)) an endorsement in a subject matter shortage area, as defined by the professional educator standards board, via route one in the alternative routes to teacher certification program provided in this chapter.

(2) Entry requirements for candidates include district or building validation of qualifications, including three years of successful student interaction and leadership as a classified instructional employee.

Sec. 20. RCW 28B.50.891 and 2014 c 136 s 4 are each amended to read as follows:

PARAEDUCATOR APPRENTICESHIP AND CERTIFICATE.

Beginning with the 2015-16 academic year, any community or technical college that offers an apprenticeship program or certificate program for paraeducators must provide candidates the opportunity to earn transferable course credits within the program. The programs must also incorporate the standards for cultural competence, including multicultural education and principles of language acquisition, developed by the professional educator standards board under RCW 28A.410.270. Subject to the availability of amounts appropriated for this specific purpose, by September 1, 2018, the paraeducator apprenticeship and certificate programs must also incorporate the state paraeducator standards of practice adopted by the paraeducator board under section 6 of this act.

NEW SECTION. Sec. 21. Sections 1 through 12 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 22. RCW 28A.415.310 (Paraprofessional training program) and 1993 c 336 s 408 are each repealed."

Correct the title.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Hargrove; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Springer; Steele and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier and Stokesbary.

Referred to Committee on Appropriations.

March 28, 2017

SSB 5161

Prime Sponsor, Committee on Commerce, Labor & Sports: Modifying theater license provisions. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.24.655 and 2013 c 237 s 1 are each amended to read as follows:

(1) There is a theater license to sell spirits, beer, including strong beer, or wine, or all, at retail, for consumption on theater premises. A spirits, beer, and wine theater license may be issued ((only)) to theaters ((that have no more than one hundred twenty seats per screen and)) that are maintained in a substantial manner as a place for preparing, cooking, and serving complete meals ((and providing tabletop accommodations for in-theater dining)). Requirements for complete meals are the same as those adopted by the board in rules pursuant to chapter 34.05 RCW for a spirits, beer, and wine restaurant license authorized by RCW 66.24.400. The annual fee for a spirits, beer, and wine theater license is ((two thousand dollars)) either a minimum fee of one thousand dollars, or four dollars per each theater seat within the licensed premises, whichever amount is greater.

(2)(a) The theater's liquor service area must be located in an area:

(i) That is accessible to a customer only after the customer has entered the lobby or other interior area within the theater and had his or her ticket collected by a theater employee; and

(ii) That is physically separated from the concession counter.

(b) For theaters with three or more screens that each have more than one hundred twenty seats per screen, liquor may be served in no more than one-third of the screening rooms within the licensed premises.

(3) If the theater premises is to be frequented by minors, an alcohol control plan must be submitted to the board at the time of application. The alcohol control plan must be approved by the board and be prominently posted on the premises, prior to minors being allowed.

((3)) (4) For the purposes of this section:

(a) "Alcohol control plan" means a written, dated, and signed plan submitted to the board by an applicant or licensee for the entire theater premises, or rooms or areas therein, that shows where and when alcohol is permitted, where and when

minors are permitted, and the control measures used to ensure that minors are not able to obtain alcohol or be exposed to environments where drinking alcohol predominates.

(b) "Theater" means a place of business where motion pictures or other primarily nonparticipatory entertainment are shown.

((4)) (5) The board must adopt rules regarding alcohol control plans and necessary control measures to ensure that minors are not able to obtain alcohol or be exposed to areas where drinking alcohol predominates. All alcohol control plans must include a requirement that any person involved in the serving of spirits, beer, and/or wine must have completed a mandatory alcohol server training program.

((5)) (6)(a) A licensee that is an entity that is exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended as of January 1, 2013, may enter into arrangements with a spirits, beer, or wine manufacturer, importer, or distributor for brand advertising at the theater or promotion of events held at the theater. The financial arrangements providing for the brand advertising or promotion of events may not be used as an inducement to purchase the products of the manufacturer, importer, or distributor entering into the arrangement and such arrangements may not result in the exclusion of brands or products of other companies.

(b) The arrangements allowed under this subsection ((5)) (6) are an exception to arrangements prohibited under RCW 66.28.305. The board must monitor the impacts of these arrangements. The board may conduct audits of a licensee and the affiliated business to determine compliance with this subsection ((5)) (6). Audits may include, but are not limited to: Product selection at the facility; purchase patterns of the licensee; contracts with the spirits, beer, or wine manufacturer, importer, or distributor; and the amount allocated or used for spirits, beer, or wine advertising by the licensee, affiliated business, manufacturer, importer, or distributor under the arrangements.

((6)) (7) The maximum penalties prescribed by the board in WAC 314-29-020 relating to fines and suspensions are

double for violations involving minors or the failure to follow the alcohol control plan with respect to theaters licensed under this section.

Sec. 2. RCW 66.24.650 and 2013 c 219 s 1 are each amended to read as follows:

(1) There is a theater license to sell beer, including strong beer, or wine, or both, at retail, for consumption on theater premises. The annual fee ((is four hundred dollars)) for a beer and wine theater license is either a minimum fee of four hundred dollars, or two dollars per each theater seat within the licensed premises, whichever amount is greater.

(2) If the theater premises is to be frequented by minors, an alcohol control plan must be submitted to the board at the time of application. The alcohol control plan must be approved by the board, and be prominently posted on the premises, prior to minors being allowed.

(3) For the purposes of this section:

(a) "Alcohol control plan" means a written, dated, and signed plan submitted to the board by an applicant or licensee for the entire theater premises, or rooms or areas therein, that shows where and when alcohol is permitted, where and when minors are permitted, and the control measures used to ensure that minors are not able to obtain alcohol or be exposed to environments where drinking alcohol predominates.

(b) "Theater" means a place of business where motion pictures or other primarily nonparticipatory entertainment are shown((, and includes only theaters with up to four screens)).

(4) The board must adopt rules regarding alcohol control plans and necessary control measures to ensure that minors are not able to obtain alcohol or be exposed to areas where drinking alcohol predominates. All alcohol control plans must include a requirement that any person involved in the serving of beer and/or wine must have completed a mandatory alcohol server training program.

(5)(a) A licensee that is an entity that is exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended as of January 1, 2013, may enter into arrangements with a beer or wine manufacturer, importer, or distributor

for brand advertising at the theater or promotion of events held at the theater. The financial arrangements providing for the brand advertising or promotion of events may not be used as an inducement to purchase the products of the manufacturer, importer, or distributor entering into the arrangement and such arrangements may not result in the exclusion of brands or products of other companies.

(b) The arrangements allowed under this subsection (5) are an exception to arrangements prohibited under RCW 66.28.305. The board must monitor the impacts of these arrangements. The board may conduct audits of a licensee and the affiliated business to determine compliance with this subsection (5). Audits may include, but are not limited to: Product selection at the facility; purchase patterns of the licensee; contracts with the beer or wine manufacturer, importer, or distributor; and the amount allocated or used for wine or beer advertising by the licensee, affiliated business, manufacturer, importer, or distributor under the arrangements.

(6) The maximum penalties prescribed by the board in WAC 314-29-020 relating to fines and suspensions are double for violations involving minors or the failure to follow the alcohol control plan with respect to theaters licensed under this section."

Correct the title.

Signed by Representatives Sawyer, Chair; Kloba, Vice Chair; Condotta, Ranking Minority Member; Vick, Assistant Ranking Minority Member; Blake; Kirby; Ryu and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis; Jenkin Farrell, Member.

Referred to Committee on Appropriations.

March 28, 2017

SSB 5170

Prime Sponsor, Committee on Energy, Environment & Telecommunications:  
Concerning independent remedial actions under the model toxics control act.  
Reported by Committee on Environment

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.105D.090 and 2003 c 39 s 30 are each amended to read as follows:

(1) A person conducting an independent remedial action for which the person has obtained a joint voluntary remedial action plan from the department, a remedial action at a facility under a consent decree, order, or agreed order, and the department when it conducts a remedial action, are exempt from the procedural requirements of chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 RCW, and the procedural requirements of any laws requiring or authorizing local government permits or approvals for the remedial action. For a remedial action conducted under a consent decree, order, or agreed order, or when the department conducts a remedial action, the department shall ensure compliance with the substantive provisions of chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 RCW, and the substantive provisions of any laws requiring or authorizing local government permits ((of)) or approvals. The department shall establish procedures for ensuring that such remedial actions comply with the substantive requirements adopted pursuant to such laws, and shall consult with the state agencies and local governments charged with implementing these laws. The procedures ensuring the compliance of independent remedial actions for which a person has obtained a joint voluntary remedial action plan must be consistent with section 9 of this act. The procedures shall provide an opportunity for comment by the public and by the state agencies and local governments that would otherwise implement the laws referenced in this section. Nothing in this section is intended to prohibit implementing agencies from charging a fee to the person conducting the remedial action to defray the costs of services rendered relating to the substantive requirements for the remedial action.

(2) An exemption in this section or in RCW 70.94.335, 70.95.270, 70.105.116, ((77.55.030)) 77.55.061, 90.48.039, and 90.58.355 shall not apply if the department determines that the exemption would result in loss of approval from a federal agency necessary for the state to administer any federal law, including the federal resource conservation and recovery act, the federal clean water act, the federal clean air act, and the

federal coastal zone management act. Such a determination by the department shall not affect the applicability of the exemptions to other statutes specified in this section.

Sec. 2. RCW 70.105D.030 and 2013 2nd sp.s. c 1 s 6 are each amended to read as follows:

(1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;

(c) Indemnify contractors retained by the department for carrying out investigations and remedial actions, but not for any contractor's reckless or willful misconduct;

(d) Carry out all state programs authorized under the federal cleanup law and the federal resource, conservation,

and recovery act, 42 U.S.C. Sec. 6901 et seq., as amended;

(e) Classify substances as hazardous substances for purposes of RCW 70.105D.020 and classify substances and products as hazardous substances for purposes of RCW 82.21.020(1);

(f) Issue orders or enter into consent decrees or agreed orders that include, or issue written opinions under (i) of this subsection that may be conditioned upon, environmental covenants where necessary to protect human health and the environment from a release or threatened release of a hazardous substance from a facility. Prior to establishing an environmental covenant under this subsection, the department shall consult with and seek comment from a city or county department with land use planning authority for real property subject to the environmental covenant;

(g) Enforce the application of permanent and effective institutional controls that are necessary for a remedial action to be protective of human health and the environment and the notification requirements established in RCW 70.105D.110, and impose penalties for violations of that section consistent with RCW 70.105D.050;

(h) Require holders to conduct remedial actions necessary to abate an imminent or substantial endangerment pursuant to RCW 70.105D.020(22)(b)(ii)(C);

(i) Provide informal advice and assistance to persons regarding the administrative and technical requirements of this chapter. This may include site-specific advice to persons who are conducting or otherwise interested in independent remedial actions. It may also include site-specific advice, and advice and assistance relating to the requirements of RCW 70.105D.090 and chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 RCW, to persons who are conducting or otherwise interested in independent remedial actions for which the person has obtained a joint voluntary remedial action plan from the department. Any such advice or assistance shall be advisory only, and shall not be binding on the department. As a part of providing this advice and assistance for independent remedial actions, the department may prepare written opinions regarding whether the independent remedial actions

or proposals for those actions meet the substantive requirements of this chapter or whether the department believes further remedial action is necessary at the facility. Nothing in this chapter may be construed to preclude the department from issuing a written opinion on whether further remedial action is necessary at any portion of the real property located within a facility, even if further remedial action is still necessary elsewhere at the same facility. Such a written opinion on a portion of a facility must also provide an opinion on the status of the facility as a whole. The department may collect, from persons requesting advice and assistance, the costs incurred by the department in providing such advice and assistance; however, the department shall, where appropriate, waive collection of costs in order to provide an appropriate level of technical assistance in support of public participation. The state, the department, and officers and employees of the state are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance. The department must track the number of requests for reviews of planned or completed independent remedial actions and establish performance measures to track how quickly the department is able to respond to those requests((. By November 1, 2015, the department must submit to the governor and the appropriate legislative fiscal and policy committees a report on achieving the performance measures and provide recommendations for improving performance, including staffing needs));

(j) In fulfilling the objectives of this chapter, the department shall allocate staffing and financial assistance in a manner that considers both the reduction of human and environmental risks and the land reuse potential and planning for the facilities to be cleaned up. This does not preclude the department from allocating resources to a facility based solely on human or environmental risks;

(k) Establish model remedies for common categories of facilities, types of hazardous substances, types of media, or geographic areas to streamline and accelerate the selection of remedies for routine types of cleanups at facilities;

(i) When establishing a model remedy, the department shall:

(A) Identify the requirements for characterizing a facility to select a model remedy, the applicability of the model remedy for use at a facility, and monitoring requirements;

(B) Describe how the model remedy meets clean-up standards and the requirements for selecting a remedy established by the department under this chapter; and

(C) Provide public notice and an opportunity to comment on the proposed model remedy and the conditions under which it may be used at a facility;

(ii) When developing model remedies, the department shall solicit and consider proposals from qualified persons. The proposals must, in addition to describing the model remedy, provide the information required under (k) (i) (A) and (B) of this subsection;

(iii) If a facility meets the requirements for use of a model remedy, an analysis of the feasibility of alternative remedies is not required under this chapter. For department-conducted and department-supervised remedial actions, the department must provide public notice and consider public comments on the proposed use of a model remedy at a facility. The department may waive collection of its costs for providing a written opinion under (i) of this subsection on a cleanup that qualifies for and appropriately uses a model remedy; and

(1) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.05 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department shall adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

(a) Provide for public participation, including at least (i) public notice of the development of investigative plans or remedial plans for releases or threatened releases and (ii) concurrent public notice of all compliance orders, agreed orders, enforcement orders, or notices of violation;

(b) Establish a hazard ranking system for hazardous waste sites;

(c) Provide for requiring the reporting by an owner or operator of releases of hazardous substances to the environment that may be a threat to human health or the environment within ninety days of discovery, including such exemptions from reporting as the department deems appropriate, however this requirement shall not modify any existing requirements provided for under other laws;

(d) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives notice or otherwise receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site;

(e) Publish and periodically update minimum clean-up standards for remedial actions at least as stringent as the clean-up standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law; and

(f) Apply industrial clean-up standards at industrial properties. Rules adopted under this subsection shall ensure that industrial properties cleaned up to industrial standards cannot be converted to nonindustrial uses without approval from the department. The department may require that a property cleaned up to industrial standards is cleaned up to a more stringent applicable standard as a condition of conversion to a nonindustrial use. Industrial clean-up standards may not be applied to industrial properties where hazardous substances remaining at the property after remedial action pose a threat to human health or the environment in adjacent nonindustrial areas.

(3) To achieve and protect the state's long-term ecological health, the department shall plan to clean up hazardous waste sites and prevent the creation of future hazards due to improper disposal of toxic wastes at a pace that matches the estimated cash resources in the state and local toxics control accounts and the environmental legacy stewardship account created in RCW 70.105D.170. Estimated cash resources

must consider the annual cash flow requirements of major projects that receive appropriations expected to cross multiple biennia. To effectively monitor toxic accounts expenditures, the department shall develop a comprehensive ten-year financing report that identifies long-term remedial action project costs, tracks expenses, and projects future needs.

(4) By November 1, 2016, the department must submit to the governor and the appropriate legislative committees a report on the status of developing model remedies and their use under this chapter. The report must include: The number and types of model remedies identified by the department under subsection (1)(k) of this section; the number and types of model remedy proposals prepared by qualified private sector engineers, consultants, or contractors that were accepted or rejected under subsection (1)(k) of this section and the reasons for rejection; and the success of model remedies in accelerating the cleanup as measured by the number of jobs created by the cleanup, where this information is available to the department, acres of land restored, and the number and types of hazardous waste sites successfully remediated using model remedies.

(5) Before September 20th of each even-numbered year, the department shall:

(a) Develop a comprehensive ten-year financing report in coordination with all local governments with clean-up responsibilities that identifies the projected biennial hazardous waste site remedial action needs that are eligible for funding from the state and local toxics control account and the environmental legacy stewardship account;

(b) Work with local governments to develop working capital reserves to be incorporated in the ten-year financing report;

(c) Identify the projected remedial action needs for orphaned, abandoned, and other clean-up sites that are eligible for funding from the state toxics control account;

(d) Project the remedial action need, cost, revenue, and any recommended working capital reserve estimate to the next biennium's long-term remedial action needs from both the local and

state toxics control account and the environmental legacy stewardship account, and submit this information to the appropriate standing fiscal and environmental committees of the senate and house of representatives. This submittal must also include a ranked list of such remedial action projects for both accounts. The submittal must also identify separate budget estimates for large, multibiennia clean-up projects that exceed ten million dollars. The department shall prepare its ten-year capital budget plan that is submitted to the office of financial management to reflect the separate budget estimates for these large clean-up projects and include information on the anticipated private and public funding obligations for completion of the relevant projects.

(6) By December 1st of each odd-numbered year, the department must provide the legislature and the public a report of the department's activities supported by appropriations from the state and local toxics control accounts and the environmental legacy stewardship account. The report must be prepared and displayed in a manner that allows the legislature and the public to easily determine the statewide and local progress made in cleaning up hazardous waste sites under this chapter. The report must include, at a minimum:

(a) The name, location, hazardous waste ranking, and a short description of each site on the hazardous sites list, and the date the site was placed on the hazardous waste sites list; and

(b) For sites where there are state contracts, grants, loans, or direct investments by the state:

(i) The amount of money from the state and local toxics control accounts and the environmental legacy stewardship account used to conduct remedial actions at the site and the amount of that money recovered from potentially liable persons;

(ii) The actual or estimated start and end dates and the actual or estimated expenditures of funds authorized under this chapter for the following project phases:

(A) Emergency or interim actions, if needed;

(B) Remedial investigation;

(C) Feasibility study and selection of a remedy;

(D) Engineering design and construction of the selected remedy;

(E) Operation and maintenance or monitoring of the constructed remedy; and

(F) The final completion date.

(7) The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

(8) For all facilities where an environmental covenant has been required under subsection (1)(f) of this section, including all facilities where the department has required an environmental covenant under an order, agreed order, or consent decree, or as a condition of a written opinion issued under the authority of subsection (1)(i) of this section, the department shall periodically review the environmental covenant for effectiveness. Except as otherwise provided in (c) of this subsection, the department shall conduct a review at least once every five years after an environmental covenant is recorded.

(a) The review shall consist of, at a minimum:

(i) A review of the title of the real property subject to the environmental covenant to determine whether the environmental covenant was properly recorded and, if applicable, amended or terminated;

(ii) A physical inspection of the real property subject to the environmental covenant to determine compliance with the environmental covenant, including whether any development or redevelopment of the real property has violated the terms of the environmental covenant; and

(iii) A review of the effectiveness of the environmental covenant in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances. This shall include a review of available monitoring data.

(b) If an environmental covenant has been amended or terminated without proper authority, or if the terms of an environmental covenant have been violated, or if the environmental

covenant is no longer effective in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances, then the department shall take any and all appropriate actions necessary to ensure compliance with the environmental covenant and the policies and requirements of this chapter.

(c) For facilities where an environmental covenant required by the department under subsection (1)(f) of this section was required before July 1, 2007, the department shall:

(i) Enter all required information about the environmental covenant into the registry established under RCW 64.70.120 by June 30, 2008;

(ii) For those facilities where more than five years has elapsed since the environmental covenant was required and the department has yet to conduct a review, conduct an initial review according to the following schedule:

(A) By December 30, 2008, fifty facilities;

(B) By June 30, 2009, fifty additional facilities; and

(C) By June 30, 2010, the remainder of the facilities;

(iii) Once this initial review has been completed, conduct subsequent reviews at least once every five years.

Sec. 3. RCW 70.94.335 and 1994 c 257 s 15 are each amended to read as follows:

The procedural requirements of this chapter shall not apply to any person conducting an independent remedial action for which a person has obtained a joint voluntary remedial action plan, a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. Except for independent remedial actions for which a person has obtained a joint voluntary remedial action plan, the department of ecology shall ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW 70.105D.090.

Sec. 4. RCW 70.95.270 and 1994 c 257 s 16 are each amended to read as follows:

The procedural requirements of this chapter shall not apply to any person conducting an independent remedial action for which a person has obtained a joint voluntary remedial action plan, a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. Except for independent remedial actions for which a person has obtained a joint voluntary remedial action plan, the department of ecology shall ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW 70.105D.090.

Sec. 5. RCW 70.105.116 and 1994 c 257 s 17 are each amended to read as follows:

The procedural requirements of this chapter shall not apply to any person conducting an independent remedial action for which a person has obtained a joint voluntary remedial action plan, a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. Except for independent remedial actions for which a person has obtained a joint voluntary remedial action plan, the department of ecology shall ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW 70.105D.090.

Sec. 6. RCW 77.55.061 and 1994 c 257 s 18 are each amended to read as follows:

The procedural requirements of this chapter shall not apply to any person conducting an independent remedial action for which a person has obtained a joint voluntary remedial action plan, a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter

70.105D RCW. Except for independent remedial actions for which a person has obtained a joint voluntary remedial action plan, the department of ecology shall ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW 70.105D.090.

Sec. 7. RCW 90.48.039 and 1994 c 257 s 19 are each amended to read as follows:

The procedural requirements of this chapter shall not apply to any person conducting an independent remedial action for which a person has obtained a joint voluntary remedial action plan, a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. Except for independent remedial actions for which a person has obtained a joint voluntary remedial action plan, the department of ecology shall ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW 70.105D.090.

Sec. 8. RCW 90.58.355 and 2015 3rd sp.s. c 15 s 9 are each amended to read as follows:

Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review conducted by a local government to implement this chapter do not apply to:

(1) Any person conducting an independent remedial action for which a person has obtained a joint voluntary remedial action plan, a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. Except for independent remedial actions for which a person has obtained a joint voluntary remedial action plan, the department must ensure compliance with the substantive requirements of this chapter through the

consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW 70.105D.090;

(2) Any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit. The department must ensure compliance with the substantive requirements of this chapter through the review of engineering reports, site plans, and other documents related to the installation of boatyard storm water treatment facilities; or

(3) The department of transportation projects and activities that meet the conditions of RCW 90.58.356.

NEW SECTION. Sec. 9. A new section is added to chapter 70.105D RCW to read as follows:

(1) By January 1, 2019, the department shall establish a program for independent remedial action with a joint voluntary remedial action plan that addresses applicable state and local land use and environmental statutes, administrative rules, ordinances, and development regulations. Participation in such a program is voluntary on the part of the person conducting an independent remedial action.

(2) The joint voluntary remedial action plan must describe, at a minimum, the site-specific requirements associated with the following:

(a) Water discharge permits issued under chapter 90.48 RCW;

(b) Air emissions permits issued under chapter 70.94 RCW;

(c) Solid waste permits issued under chapter 70.95 RCW;

(d) Hazardous waste permits issued under chapter 70.105 RCW;

(e) Hydraulic project approval permits issued under chapter 77.55 RCW;

(f) Development permits issued under chapter 90.58 RCW; and

(g) Permits issued under any land use or environmental laws requiring or authorizing local government permits or approvals.

(3) (a) As part of the joint voluntary remedial action plan process, the department shall develop a consolidated application to be used by the person conducting the independent remedial action to communicate relevant details concerning the independent remedial action and the property that is the subject of the independent remedial action.

(b) For each joint voluntary remedial action plan, the department shall forward the information included in the consolidated application to all appropriate local governments. The local governments have thirty days in which to communicate to the department the site-specific requirements associated with any statutes, administrative rules, ordinances, or development regulations administered by the local governments.

(c) The department shall use the information included in the consolidated application to provide the person conducting the independent remedial action with a joint voluntary remedial action plan that addresses the state and local land use and environmental statutes, administrative rules, ordinances, and development regulations applicable to the property that is the subject of the independent remedial action, including the information received from local governments concerning any site-specific requirements associated with any statutes, administrative rules, ordinances, or development regulations administered by the local governments.

(4) Beginning January 1, 2019, any person wishing to conduct an independent remedial action has the option of completing a consolidated application under subsection (3) of this section and receiving from the department a joint voluntary remedial action plan.

(5) A person who obtains a joint voluntary remedial action plan from the department is exempt from the procedural requirements of chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 RCW, and the procedural requirements of any laws requiring or authorizing local government permits or approvals for the remedial action.

(6) A joint voluntary remedial action plan neither reduces nor enlarges a person's legal obligations under any state and local land use and environmental statute, administrative

rule, ordinance, or development regulation applicable to the property that is the subject of the independent remedial action. A joint voluntary remedial action plan may not serve as the basis of a cause of action under this chapter or under any state or local land use or environmental statute, administrative rule, ordinance, or development regulation that may be addressed in the joint voluntary remedial action plan."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys; Dye; Fey and Kagi.

MINORITY recommendation: Do not pass. Signed by Representative McBride.

Referred to Committee on Appropriations.

March 29, 2017

ESSB 5198 Prime Sponsor, Committee on Ways & Means: Concerning fire suppression methodologies. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Lytton; Pettigrew; Robinson; Springer and Stanford.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh, J.

Referred to Committee on Appropriations.

March 29, 2017

2ESSB 5294 Prime Sponsor, Committee on Law & Justice: Concerning the department of corrections. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"PART 1

CREATING THE DEPARTMENT OF CORRECTIONS OMBUDS

NEW SECTION. Sec. 1. The legislature intends to create an independent and impartial office of the corrections

ombuds to assist in strengthening procedures and practices that lessen the possibility of actions occurring within the department of corrections that may adversely impact the health, safety, welfare, and rehabilitation of offenders, and that will effectively reduce the exposure of the department to litigation.

NEW SECTION. Sec. 2. Subject to the availability of amounts appropriated for this specific purpose, the office of the corrections ombuds is created for the purpose of providing information to inmates, family members, representatives of inmates, department employees, and others regarding the rights of inmates; providing technical assistance to support inmate self-advocacy; identifying systemic issues and responses for the governor and the legislature to act upon; reporting to the legislature; and ensuring compliance with relevant statutes, rules, and policies pertaining to conditions of correctional facilities, services, and treatment of inmates under the jurisdiction of the department.

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse" means any act or failure to act by a department employee, subcontractor, or volunteer which was performed, or which was failed to be performed, knowingly, recklessly, or intentionally, and which caused, or may have caused, injury or death to an inmate.

(2) "Corrections ombuds" or "ombuds" means the corrections ombuds, staff of the corrections ombuds, and volunteers with the office of the corrections ombuds.

(3) "Council" means the ombuds advisory council established in section 4(1) of this act.

(4) "Department" means the department of corrections.

(5) "Inmate" means a person committed to the physical custody of the department, including persons residing in a correctional institution or facility and persons received from another state, another state agency, a county, or the federal government.

(6) "Neglect" means a negligent act or omission by any department employee, subcontractor, or volunteer which caused, or may have caused, injury or death to an inmate.

(7) "Office" means the office of the corrections ombuds.

(8) "Organization" means the private nonprofit organization that operates the office of the corrections ombuds.

NEW SECTION. Sec. 4. (1) Subject to the availability of amounts appropriated for this specific purpose, no later than August 1, 2017, the governor shall convene an ombuds advisory council with several purposes in support of the ombuds function. The council shall participate in a priority setting process for the purpose of developing priority recommendations to the ombuds, review data collected by the ombuds, review reports issued by the ombuds prior to their release, and make recommendations to the ombuds regarding the accomplishment of its purposes. The council also has authority to issue its own reports and recommendations. The council must biannually review ombuds performance, reporting to the governor and the legislature regarding its findings. The council must provide the legislature with recommendations regarding the ombuds budget and changes in the law that would enhance ombuds effectiveness.

(2) The council consists of the following members, appointed by the governor:

(a) Two former inmates who have successfully reintegrated into the community and are no longer in the custody of the department;

(b) Two family members of current inmates;

(c) One expert with significant criminal justice or correctional experience who is not an employee or contractor with the state of Washington;

(d) A community member with extensive knowledge and experience in issues related to racial, ethnic, or religious diversity within the correctional system;

(e) A community member with extensive knowledge and experience in the accommodation needs of individuals with disabilities; and

(f) A community member with dispute resolution training who has experience working in the criminal justice or corrections field.

(3) The council also includes:

(a) The department staff serving as the internal ombuds, if any;

(b) A bargaining unit representative; and

(c) A representative of the governor's office.

(4) After the full membership is attained, the council shall develop a process for replacing members in case of resignation or expiration of terms.

(5) Councilmembers serve a term of two years, except that the council shall create and implement a system of staggered terms, and no member other than the department staff serving as the internal ombuds may serve more than two consecutive terms. The council shall convene at least quarterly. Councilmembers will serve without compensation, except that funds appropriated for the implementation of this chapter may be used to reimburse members who are not employees of Washington state for expenses necessary to the performance of their duties.

NEW SECTION. Sec. 5. (1) Subject to the availability of amounts appropriated for this specific purpose, the department of commerce shall designate, by a competitive bidding process, the nonprofit organization that will contract to operate the office of the corrections ombuds. The contract must last for a period of two years and may be renewed at the end of the term. The department of commerce shall select an organization that possesses, directly or through subcontracts, significant legal expertise, competence with mediation and alternative dispute resolution, and experience working within criminal justice and correctional environments. Other relevant experience may include, but is not limited to, addressing issues relating to chemical dependency treatment, disability and disability-related accommodation, respect for racial, ethnic, and religious diversity, and other civil rights and conditions issues. The selected organization must have experience and the capacity to communicate effectively regarding criminal justice issues with policymakers, stakeholders, and the

general public, and must be prepared and able to provide all program and staff support necessary, directly or through subcontracts, to carry out all duties of the office.

(2) The organization and its subcontractors, if any, are not state agencies or departments, but instead are private, independent entities operating under contract with the state.

(3) The organization must be an objective and neutral entity that will impartially investigate complaints.

(4) The organization is subject to financial and other audits by the state auditor's office, and its employees must abide by the provisions of chapter 42.52 RCW.

NEW SECTION. Sec. 6. (1) The ombuds shall:

(a) Establish priorities for use of the limited resources appropriated to implement this chapter;

(b) Develop policies for responding to records requests from the public. These policies shall be similar in scope to the requirements in the public records act except that identifying information about complainants or witnesses must be protected and nondisclosable unless the complainant or witness waives confidentiality;

(c) Maintain a statewide toll-free telephone number, a collect telephone number, a web site, and a mailing address for the receipt of complaints and inquiries;

(d) Provide information, as appropriate, to inmates, family members, representatives of inmates, department employees, and others regarding the rights of inmates;

(e) Provide technical assistance to support inmate participation in self-advocacy;

(f) Monitor department compliance with applicable federal, state, and local laws, rules, regulations, and policies with a view toward the appropriate health, safety, welfare, and rehabilitation of inmates;

(g) Monitor and participate in legislative and policy developments affecting correctional facilities;

(h) Establish a statewide uniform reporting system to collect and analyze

data related to complaints regarding the department;

(i) Establish procedures to receive, investigate, and resolve complaints;

(j) Submit annually to the council, the governor's office, and the legislature, by November 1st of each year, a report analyzing the work of the office, including any recommendations; and

(k) Adopt and comply with rules, policies, and procedures necessary to implement this chapter.

(2)(a) The ombuds may initiate and attempt to resolve an investigation upon his or her own initiative, or upon receipt of a complaint from an inmate, a family member, a representative of an inmate, a department employee, or others, regarding:

(i) Abuse or neglect;

(ii) Department decisions or administrative actions;

(iii) Inactions or omissions;

(iv) Policies, rules, or procedures; or

(v) Alleged violations of law by the department that may adversely affect the health, safety, welfare, and rights of inmates.

(b) Prior to filing a complaint with the ombuds, a person shall have reasonably pursued resolution of the complaint through the internal grievance, administrative, or appellate procedures with the department. However, in no event may an inmate be prevented from filing a complaint more than ninety business days after filing an internal grievance, regardless of whether the department has completed the grievance process. This subsection (2)(b) does not apply to complaints related to threats of bodily harm including, but not limited to, sexual or physical assaults or the denial of necessary medical treatment.

(c) The ombuds may decline to investigate any complaint as provided by the rules adopted under this chapter.

(d) If the ombuds does not investigate a complaint, the ombuds shall notify the complainant of the decision not to investigate and the reasons for the decision.

(e) The ombuds may not investigate any complaints relating to an inmate's underlying criminal conviction.

(f) The ombuds may not investigate a complaint from a department employee that relates to the employee's employment relationship with the department.

(g) The ombuds may refer complainants and others to appropriate resources, agencies, or departments.

(h) The ombuds may not levy any fees for the submission or investigation of complaints.

(i) At the conclusion of an investigation of a complaint, the ombuds must render a public decision on the merits of each complaint, except that the documents supporting the decision are subject to the confidentiality provisions of section 8 of this act. The ombuds must communicate the decision to the inmate, if any, and to the department. The ombuds must state their recommendations and reasoning if, in the ombuds' opinion, the department or any employee thereof should:

- (i) Consider the matter further;
- (ii) Modify or cancel any action;
- (iii) Alter a rule, practice, or ruling;
- (iv) Explain in detail the administrative action in question;
- (v) Rectify an omission; or
- (vi) Take any other action.

(j) If the ombuds so requests, the department must, within the time specified, inform the ombuds about any action taken on the recommendations or the reasons for not complying with the recommendations.

(k) If the ombuds believes, based on the investigation, that there has been or continues to be a significant inmate health, safety, welfare, or rehabilitation issue, the ombuds must report the finding to the governor and the appropriate committees of the legislature.

(l) Before announcing a conclusion or recommendation that expressly, or by implication, criticizes a person or the department, the ombuds shall consult with that person or the department. The ombuds may request to be notified by the department, within a specified time, of

any action taken on any recommendation presented. The ombuds must notify the inmate, if any, of the actions taken by the department in response to the ombuds' recommendations.

(3) This chapter does not require inmates to file a complaint with the ombuds in order to exhaust available administrative remedies for purposes of the prison litigation reform act of 1995, P.L. 104-134.

NEW SECTION. Sec. 7. (1) The department must permit the ombuds to enter and inspect, at any reasonable time, any correctional facility for the purpose of carrying out its duties under this chapter. The ombuds may inspect, view, photograph, and video record all areas of the facility that are used by inmates or are accessible to inmates. Before releasing any photographs or video recordings taken within a correctional facility, the ombuds must consult with the department concerning any safety or security issues.

(2) The department must allow the ombuds reasonable access to inmates, which includes the opportunity to meet and communicate privately and confidentially with individuals regularly, both formally and informally, by telephone, mail, and in person.

(3) Upon the ombuds' request, the department shall grant the ombuds the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the department that the ombuds considers necessary in an investigation of a complaint filed under this chapter, and must assist the ombuds in obtaining the necessary releases of documents that are specifically restricted or privileged for use by the ombuds.

(4) Following notification from the ombuds with a written demand for access to agency records, the delegated department staff must respond to the ombuds within five business days of the department's receipt of a request by:

- (a) Making the requested documentation available; or
- (b) Acknowledging receipt of the request and providing a reasonable estimate of the time needed to respond.

(5) A state or local government agency or entity that has records that are relevant to a complaint or an

investigation conducted by the ombuds must provide the ombuds with access to such records.

(6) The department may not hinder the lawful actions of the ombuds or employees of the office, or willfully refuse to comply with lawful demands of the office.

(7) The ombuds must work with the department to minimize disruption to the operations of the department due to ombuds activities, and must comply with the department's security clearance processes, provided these processes do not impede the activities outlined in this chapter.

NEW SECTION. Sec. 8. (1) Correspondence and communication with the office is confidential and must be protected as privileged correspondence in the same manner as legal correspondence or communication.

(2) The office shall establish confidentiality rules and procedures for all information maintained by the office.

(3) The office shall preserve the confidentiality of information obtained while providing services, including general information, technical assistance, and investigations, to individuals, including inmates, family members and representatives of inmates, department employees, and others. Confidential information may not be disclosed unless the individual gives informed consent, the disclosure is impliedly authorized in order to carry out ombuds services, or the disclosure is authorized by subsection (4) of this section.

(4) To the extent the ombuds reasonably believes necessary, the ombuds:

(a) Must reveal information obtained in the course of providing ombuds services to prevent reasonably certain death or substantial bodily harm; and

(b) May reveal information obtained in the course of providing ombuds services to prevent the commission of a crime.

(5) If the ombuds receives personally identifying information about individual corrections staff during the course of an investigation that the ombuds determines is unrelated or unnecessary to the subject of the investigation or recommendation for action, the ombuds will not further disclose such information. If the ombuds determines

that such disclosure is necessary to an investigation or recommendation, the ombuds will contact the staff member as well as the bargaining unit representative before any disclosure.

NEW SECTION. Sec. 9. (1) A civil action may not be brought against any employee of the office for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against a department employee, subcontractor, or volunteer, an inmate, or a family member or representative of an inmate for any communication made, or information given or disclosed, to aid the office in carrying out its responsibilities, unless the communication or information is made, given, or disclosed maliciously or without good faith.

(3) This section is not intended to infringe on the rights of an employer to supervise, discipline, or terminate an employee for other reasons.

## PART 2

### DEPARTMENT OF CORRECTIONS

Sec. 10. RCW 72.09.010 and 1995 1st sp.s. c 19 s 2 are each amended to read as follows:

It is the intent of the legislature to establish a comprehensive system of corrections for convicted law violators within the state of Washington to accomplish the following objectives.

(1) The ((system should)) highest duty of the department and the secretary is to ensure the public safety. The system should be designed and managed to provide the maximum feasible safety for the persons and property of the general public, the staff, and the inmates.

(2) The system should punish the offender for violating the laws of the state of Washington. This punishment should generally be limited to the denial of liberty of the offender.

(3) The system should positively impact offenders by stressing personal responsibility and accountability and by discouraging recidivism.

(4) The system should treat all offenders fairly and equitably without regard to race, religion, sex, national origin, residence, or social condition.

(5) The system, as much as possible, should reflect the values of the community including:

(a) Avoiding idleness. Idleness is not only wasteful but destructive to the individual and to the community.

(b) Adoption of the work ethic. It is the community expectation that all individuals should work and through their efforts benefit both themselves and the community.

(c) Providing opportunities for self improvement. All individuals should have opportunities to grow and expand their skills and abilities so as to fulfill their role in the community.

(d) Linking the receipt or denial of privileges to responsible behavior and accomplishments. The individual who works to improve himself or herself and the community should be rewarded for these efforts. As a corollary, there should be no rewards for no effort.

(e) Sharing in the obligations of the community. All citizens, the public and inmates alike, have a personal and fiscal obligation in the corrections system. All communities must share in the responsibility of the corrections system.

(6) The system should provide for prudent management of resources. The avoidance of unnecessary or inefficient public expenditures on the part of offenders and the department is essential. Offenders must be accountable to the department, and the department to the public and the legislature. The human and fiscal resources of the community are limited. The management and use of these resources can be enhanced by wise investment, productive programs, the reduction of duplication and waste, and the joining together of all involved parties in a common endeavor. Since most offenders return to the community, it is wise for the state and the communities to make an investment in effective rehabilitation programs for offenders and the wise use of resources.

(7) The system should provide for restitution. Those who have damaged others, persons or property, have a responsibility to make restitution for these damages.

(8) The system should be accountable to the citizens of the state. In return, the individual citizens and local units

of government must meet their responsibilities to make the corrections system effective.

(9) The system should meet those national standards which the state determines to be appropriate.

NEW SECTION. Sec. 11. A new section is added to chapter 72.09 RCW to read as follows:

To ensure public safety and the administration of justice, if the department has actual knowledge or reason to believe that a computer calculation error is or has caused an error in the calculation of the release date for any prisoner, the department shall immediately manually calculate the release date of that prisoner as well as the release dates of any similarly sentenced prisoners.

NEW SECTION. Sec. 12. A new section is added to chapter 72.09 RCW to read as follows:

On December 1st of each year, and in compliance with RCW 43.01.036, the department must submit a report to the governor and relevant policy and fiscal committees of the legislature that details any information technology backlog at the department along with specific requirements and plans to address such backlog.

### PART 3

#### JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

NEW SECTION. Sec. 13. (1) Pursuant to chapter 43.09 RCW, the joint legislative audit and review committee must conduct a performance audit of the information technology and records related units at the department of corrections, including:

(a) The administrative structure of the units, including whether the units should be restructured to respond efficiently to changes in sentencing laws and other emergent issues;

(b) The sufficiency of staffing levels and expertise at each of the units; and

(c) An evaluation of the advance corrections project's impact on workload and staff resources at each of the units.

(2) The joint legislative audit and review committee shall report its findings to the governor and relevant

policy and fiscal committees of the legislature by December 1, 2018.

PART 4

SENTENCING REFORM

NEW SECTION. Sec. 14. A new section is added to chapter 9.94A RCW to read as follows:

In consultation with the administrative office of the courts, superior court judges' association, Washington association of prosecuting attorneys, Washington association of criminal defense lawyers, Washington public defenders' association, and Washington association of county clerks, the department shall develop a mandatory sentencing elements worksheet. The worksheet shall be used to identify and record the elements of the court's order that are required by the department to calculate an offender's confinement term, and community custody term when ordered. The Washington administrative office of the courts must include the mandatory sentencing elements worksheet in a specific section within its felony judgment and sentence forms.

Sec. 15. RCW 9.94A.480 and 2011 1st sp.s. c 40 s 27 are each amended to read as follows:

(1) A current, newly created or reworked judgment and sentence document for each felony sentencing shall record any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes kept as public records under RCW 9.94A.475 shall contain the clearly printed name and legal signature of the sentencing judge. The judgment and sentence document as defined in this section shall also provide additional space for the sentencing judge's reasons for going either above or below the presumptive sentence range for any and all felony crimes covered as public records under RCW 9.94A.475. In addition, each felony judgment and sentence document must contain in a specific section the mandatory sentencing elements worksheet developed by the department of corrections in section 14 of this act. Both the sentencing judge and the prosecuting attorney's office shall each retain or receive a completed copy of each sentencing document as defined in this section for their own records.

(2) The caseload forecast council shall be sent a completed copy of the judgment and sentence document upon conviction for each felony sentencing under subsection (1) of this section.

(3) If any completed judgment and sentence document as defined in subsection (1) of this section is not sent to the caseload forecast council as required in subsection (2) of this section, the caseload forecast council shall have the authority and shall undertake reasonable and necessary steps to assure that all past, current, and future sentencing documents as defined in subsection (1) of this section are received by the caseload forecast council.

Sec. 16. RCW 9.94A.585 and 2002 c 290 s 19 are each amended to read as follows:

(1) A sentence within the standard sentence range, under RCW 9.94A.510 or 9.94A.517, for an offense shall not be appealed. For purposes of this section, a sentence imposed on a first-time offender under RCW 9.94A.650 shall also be deemed to be within the standard sentence range for the offense and shall not be appealed.

(2) A sentence outside the standard sentence range for the offense is subject to appeal by the defendant or the state. The appeal shall be to the court of appeals in accordance with rules adopted by the supreme court.

(3) Pending review of the sentence, the sentencing court or the court of appeals may order the defendant confined or placed on conditional release, including bond.

(4) To reverse a sentence which is outside the standard sentence range, the reviewing court must find: (a) Either that the reasons supplied by the sentencing court are not supported by the record which was before the judge or that those reasons do not justify a sentence outside the standard sentence range for that offense; or (b) that the sentence imposed was clearly excessive or clearly too lenient.

(5) A review under this section shall be made solely upon the record that was before the sentencing court. Written briefs shall not be required and the review and decision shall be made in an expedited manner according to rules adopted by the supreme court.

(6) The court of appeals shall issue a written opinion in support of its decision whenever the judgment of the sentencing court is reversed and may issue written opinions in any other case where the court believes that a written opinion would provide guidance to sentencing courts and others in implementing this chapter and in developing a common law of sentencing within the state.

(7) The department may petition for a review of a sentence committing an offender to the custody or jurisdiction of the department. The review shall be limited to errors of law or to address a missing, incomplete, or illegible mandatory sentencing elements section required pursuant to RCW 9.94A.480(1). Such petition shall be filed with the court of appeals no later than ninety days after the department has actual knowledge of terms of the sentence. The petition shall include a certification by the department that all reasonable efforts to resolve the dispute at the superior court level have been exhausted.

NEW SECTION. Sec. 17. (1) Subject to the availability of amounts appropriated for this specific purpose, the sentencing guidelines commission shall contract for the services of one or more external consultants to evaluate the state's sentencing laws and practices. The consultant must have demonstrated experience in conducting significant research studies and demonstrated successful experience in evaluating sentencing systems or practices. The evaluation must include:

(a) Recommendations for changing and improving sentencing laws and practices to:

- (i) Reduce complexity and implementation challenges;
  - (ii) Reduce unwarranted disparity;
  - (iii) Increase postconviction review;
  - (iv) Reduce costs to taxpayers;
  - (v) Promote fairness and equity;
  - (vi) Reduce unintended and unnecessary impacts on the community; and
  - (vii) Achieve the intended purposes of sentencing as set forth in RCW 9.94A.010;
- (b) Recommendations for:

(i) A phased prospective and retroactive implementation of any proposed changes; and

(ii) Establishing an ongoing review of sentencing laws and practices; and

(c) An assessment of:

(i) Sentence lengths among different categories of offenders;

(ii) Whether those sentences conform to current research literature on the relationship between sentence lengths and recidivism;

(iii) Sentencing changes adopted by the legislature since 1981, including frequency, nature, and impact;

(iv) Disparity in sentencing laws between similarly situated offenders, including the rationale for such disparities;

(v) The impact of the elimination of the parole system; and

(vi) The state's sentencing laws and practices as compared to other states and other sentencing models.

(2) The consultant shall work cooperatively with the sentencing guidelines commission members to obtain any additional recommendations or input consistent with the purposes of this section. Recommendations from the sentencing guidelines commission shall be included in the consultant's final report.

(3) The consultant shall complete its evaluation and submit a report to the commission, the joint legislative task force on criminal sentencing under section 18 of this act, the appropriate committees of the legislature, and the governor by September 1, 2018. The contract for services must include a requirement for three briefings before the legislature to take place during the 2018 interim and 2019 regular legislative session, including for the joint legislative task force on sentencing, the house of representatives, and the senate.

(4) This section expires July 1, 2019.

NEW SECTION. Sec. 18. (1) A joint legislative task force on criminal sentencing is established.

(2) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint members representing the:

(i) Washington association of sheriffs and police chiefs;

(ii) Washington state patrol;

(iii) Caseload forecast council;

(iv) Washington association of prosecuting attorneys;

(v) Washington association of criminal defense attorneys or the Washington defender association;

(vi) Washington state association of counties;

(vii) Office of the attorney general;

(viii) American civil liberties union of Washington;

(ix) Sentencing guidelines commission;

(x) Department of corrections;

(xi) Superior court judges' association; and

(xii) Administrative office of the courts.

(3) The task force shall review sentencing laws after consideration of the study under section 17 of this act and the consultant's recommendations. The task force shall develop recommendations to reduce sentencing implementation complexities and errors, improve the effectiveness and fairness of the sentencing system, and promote public safety. The task force shall submit a report, including findings and recommendations, to the governor and the appropriate committees of the legislature by December 1, 2019.

(4) The legislative membership shall convene the initial meeting of the task force no later than September 2018. All meetings of the task force must be scheduled and conducted in accordance with the requirements of both the senate and the house of representatives.

(5) The legislative members of the task force shall choose the task force's cochair, which must include one senator and one representative from among the legislative membership of the task force.

(6) Staff support for the task force must be provided by the senate committee services and the house office of program research.

(7) 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.

(8) The expenses of the task force shall 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 executive rules committee, or their successor committees.

(9) This section expires July 1, 2020.

#### PART 5

#### GENERAL PROVISIONS

NEW SECTION. Sec. 19. In the contract for the next regularly scheduled performance audit under RCW 42.40.110 following the effective date of this section, the office of financial management must require the audit to review the ability of department of corrections employees to use the state employee whistleblower program. The audit must include findings and recommendations, including possible changes to improve the effectiveness of the whistleblower program.

NEW SECTION. Sec. 20. Sections 1 through 9 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 21. Sections 14 through 16 of this act apply to sentences imposed on or after January 1, 2018."

Correct the title.

Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton;

Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Appropriations.

March 28, 2017  
ESSB 5312 Prime Sponsor, Committee on Commerce, Labor & Sports: Prohibiting certain employers from including any question on an application about an applicant's criminal record, inquiring either orally or in writing about an applicant's criminal records, or obtaining information from a criminal background check, until after the employer initially determines that the applicant is otherwise qualified. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Criminal record" includes any record about a citation or arrest for criminal conduct, including records relating to probable cause to arrest, and includes any record about a criminal or juvenile case filed with any court, whether or not the case resulted in a finding of guilt.

(2) "Employer" includes public agencies, private individuals, businesses and corporations, contractors, temporary staffing agencies, training and apprenticeship programs, and job placement, referral, and employment agencies.

(3) "Otherwise qualified" means that the applicant meets the basic criteria for the position as set out in the advertisement or job description without consideration of a criminal record.

NEW SECTION. Sec. 2. (1) An employer may not include any question on any application for employment, inquire either orally or in writing, receive information through a criminal history background check, or otherwise obtain information about an applicant's criminal record until after the employer initially determines that the applicant is otherwise qualified for the position. Once the employer has initially determined that the applicant is otherwise qualified, the employer may

inquire into or obtain information about a criminal record and consider an applicant's criminal record in a hiring decision.

(2) An employer may not advertise employment openings in a way that excludes people with criminal records from applying. Ads that state "no felons," "no criminal background," or otherwise convey similar messages are prohibited.

(3) An employer may not implement any policy or practice that automatically or categorically excludes individuals with a criminal record from consideration prior to an initial determination that the applicant is otherwise qualified for the position. Prohibited policies and practices include rejecting an applicant for failure to disclose a criminal record prior to initially determining the applicant is otherwise qualified for the position.

(4) This section does not apply to:

(a) Any employer hiring a person who will or may have unsupervised access to children under the age of eighteen, a vulnerable adult as defined in chapter 74.34 RCW, or a vulnerable person as defined in RCW 9.96A.060;

(b) Any employer who is hiring for a position that includes:

(i) Services to be performed at or in a residential property, excluding all persons certified or licensed under Title 18 or 19 RCW;

(ii) Solicitation at or in a residential property of products or services; or

(iii) Residential delivery services;

(c) Any employer, including a financial institution, who is expressly permitted or required under any federal or state law to inquire into, consider, or rely on information about an applicant's or employee's criminal record for employment purposes;

(d) Employment by a general or limited authority Washington law enforcement agency as defined in RCW 10.93.020 or by a criminal justice agency as defined in RCW 10.97.030(5)(b); or

(e) To an employer seeking a nonemployee volunteer.

NEW SECTION. Sec. 3. (1) This chapter may not be interpreted or applied to

diminish or conflict with any requirements of state or federal law, including Title VII of the civil rights act of 1964; the federal fair credit reporting act, 15 U.S.C. Sec. 1681; the Washington state fair credit reporting act, chapter 19.182 RCW; and state laws regarding unsupervised access to children or vulnerable persons, RCW 43.43.830 through 43.43.845.

(2) This chapter may not be interpreted or applied as imposing an obligation on the part of an employer to provide accommodations or job modifications in order to facilitate the employment or continued employment of an applicant or employee with a criminal record or who is facing pending criminal charges.

(3) This chapter may not be construed to prohibit an employer from declining to hire an applicant with a criminal record or from terminating the employment of an employee with a criminal record.

(4) This chapter may not be construed to discourage or prohibit an employer from adopting employment policies that are more protective of employees and job applicants than the requirements of this chapter.

(5) This chapter may not be construed to create a private right of action to seek damages or remedies of any kind. The exclusive remedy available under this chapter is enforcement described in section 4 of this act. This chapter does not create any additional liability for employers beyond that enumerated in this chapter.

NEW SECTION. Sec. 4. (1) The state attorney general's office shall enforce this chapter. Its powers to enforce this chapter include the authority to:

(a) Investigate violations of this chapter on its own initiative;

(b) Investigate violations of this chapter in response to complaints and seek remedial relief for the complainant;

(c) Educate the public about how to comply with this chapter;

(d) Issue written civil investigative demands for pertinent documents, answers to written interrogatories, or oral testimony as required to enforce this chapter;

(e) Adopt rules implementing this chapter including rules specifying applicable penalties; and

(f) Pursue administrative sanctions or a lawsuit in the courts for penalties, costs, and attorneys' fees.

(2) In exercising its powers, the attorney general's office shall utilize a stepped enforcement approach, by first educating violators, then warning them, then taking legal, including administrative, action. Maximum penalties are as follows: A notice of violation and offer of agency assistance for the first violation, which must allow a ninety-day period to correct the violation before a second violation is assessed; a monetary penalty of up to seven hundred fifty dollars for the second violation; and a monetary penalty of up to one thousand dollars for each subsequent violation.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 7. Sections 1 through 4, 6, and 8 of this act constitute a new chapter in Title 49 RCW.

NEW SECTION. Sec. 8. This act may be known and cited as the Washington fair chance act."

Correct the title.

Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Doglio and Frame.

MINORITY recommendation: Do not pass. Signed by Representatives Manweller, Ranking Minority Member; McCabe, Assistant Ranking Minority Member and Pike.

Referred to Committee on Appropriations.

March 29, 2017  
SB 5315 Prime Sponsor, Senator King: Concerning home site leases on lands managed by the department of natural resources. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that decades ago the department of natural resources allowed agricultural lease holders to build homes on state-owned trust land. The department of natural resources issued separate, home site leases, for the residential portion of the land. Many of these leases remain, estimated at about fifty in number. In some cases, the department of natural resources has determined that continued management of particular home sites is not in the best interest of the trust. The legislature intends to promote the efficient and effective management of trust lands by providing the board of natural resources with the authority to sell the lands that are the subject of these home site leases in a manner that provides current home site lessees with an option to match the highest bid obtained during a public auction of the home site, while also reducing the likelihood that the department of natural resources will incur additional costs to dispose of improvements that may be attached to such lands.

NEW SECTION. Sec. 2. A new section is added to chapter 79.11 RCW to read as follows:

At the conclusion of any auction of state lands that are the subject of an existing home site lease, the current lessee of such lands has the right to purchase such lands for an amount equal to the final sale price obtained through the auction process, as long as the lessee participated as an active bidder during the auction."

Correct the title.

Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh, J..

Referred to Committee on Rules for second reading.

March 29, 2017  
ESSB 5393 Prime Sponsor, Committee on Natural Resources & Parks: Including fish passage barrier removal projects that comply with the forest practices rules in the streamlined permit process provided in RCW 77.55.181. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.55.181 and 2014 c 120 s 1 are each amended to read as follows:

(1) (a) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under this section and must be a project to accomplish one or more of the following tasks:

(i) Elimination of human-made or caused fish passage barriers, including:

(A) Culvert repair and replacement; and

(B) Fish passage barrier removal projects that comply with the forest practices rules, as the term "forest practices rules" is defined in RCW 76.09.020;

(ii) Restoration of an eroded or unstable stream bank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(iii) Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

(b) The department shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety.

(c) A fish habitat enhancement project must be approved in one of the following ways in order to receive the permit review and approval process created in this section:

(i) By the department pursuant to chapter 77.95 or 77.100 RCW;

(ii) By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;

(iii) By the department as a department-sponsored fish habitat enhancement or restoration project;

(iv) Through the review and approval process for the jobs for the environment program;

(v) Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States fish and wildlife service and the natural resource conservation service;

(vi) Through a formal grant program established by the legislature or the department for fish habitat enhancement or restoration;

(vii) Through the department of transportation's environmental retrofit program as a stand-alone fish passage barrier correction project;

(viii) Through a local, state, or federally approved fish barrier removal grant program designed to assist local governments in implementing stand-alone fish passage barrier corrections;

(ix) By a city or county for a stand-alone fish passage barrier correction project funded by the city or county; ((and))

(x) Through the approval process established for forest practices hydraulic projects in chapter 76.09 RCW; or

(xi) Through other formal review and approval processes established by the legislature.

(2) Fish habitat enhancement projects meeting the criteria of subsection (1) of this section are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of subsection (1) of this

section and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030(2)(c).

(3)(a) A permit is required for projects that meet the criteria of subsection (1) of this section and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department and to each appropriate local government.

For applicants for a forest practices hydraulic project that are not otherwise required to submit a joint aquatic resource permit application, the department of natural resources must forward a copy of the submitted forest practices application to the appropriate local government consistent with RCW 76.09.490.

(b) Local governments shall accept the application identified in this section as notice of the proposed project. ((The department)) A local government shall ((provide)) be provided with a fifteen-day comment period during which it ((will receive)) may transmit comments regarding environmental impacts to the department or, for forest practices hydraulic projects, to the department of natural resources.

(c) ((Within forty-five days)) Except for forest practices hydraulic projects, the department shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project within forty-five days. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. Permitting decisions over forest practices hydraulic approvals must be made consistent with chapter 76.09 RCW.

(d) If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply

for approval of the project under other review and approval processes.

(e) Any person aggrieved by the approval, denial, conditioning, or modification of a permit other than a forest practices hydraulic project under this section may appeal the decision as provided in RCW 77.55.021(8). Appeals of a forest practices hydraulic project may be made as provided in chapter 76.09 RCW.

(4) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of subsection (1) of this section and that are reviewed and approved according to the provisions of this section.

(5) No civil liability may be imposed by any court on the state or its officers and employees for any adverse impacts resulting from a fish enhancement project permitted by the department or the department of natural resources under the criteria of this section except upon proof of gross negligence or willful or wanton misconduct.

Sec. 2. RCW 76.09.490 and 2012 1st sp.s. c 1 s 202 are each amended to read as follows:

(1) The department may request information and technical assistance from the department of fish and wildlife regarding any forest practices hydraulic project regulated under this chapter.

(2) A concurrence review process is established for certain forest practices hydraulic projects, as follow[s]:

(a) After receiving an application under RCW 76.09.050 that includes a forest practices hydraulic project involving one or more water crossing structures meeting the criteria of (b) of this subsection, the department shall provide all necessary information provided by the applicant to the department of fish and wildlife for concurrence review consistent with RCW 77.55.361(3). The required information must be transmitted by the department to the department of fish and wildlife as soon as practicable following the receipt of a complete application.

(b) The concurrence review process applies only to:

(i) Culvert installation or replacement, and repair at or below the bankfull width, as that term is defined in WAC 222-16-010 on July 10, 2012, in

fish bearing rivers and streams that exceed five percent gradient;

(ii) Bridge construction or replacement, and repair at or below the bankfull width, of fish bearing unconfined streams; or

(iii) Fill within the flood level - 100 year, as that term is defined in WAC 222-16-010, as it existed on July 10, 2012, of fish bearing unconfined streams.

(3) After receiving an application under RCW 76.09.050 that includes a forest practices hydraulic project involving one or more fish passage barrier removals, the department must provide a copy of that application to the appropriate local government for the purposes of providing notification under RCW 77.55.181. The copy of the application must be forwarded within forty-eight hours in the manner deemed most efficient by the department. This may include notification through web-based or other electronic notification systems."

Correct the title.

Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson; Schmick; Springer; Stanford and Walsh, J..

Referred to Committee on Rules for second reading.

March 29, 2017

ESSB 5431 Prime Sponsor, Committee on Agriculture, Water, Trade & Economic Development: Concerning the protection of composting from nuisance lawsuits. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Lytton; Orcutt; Pettigrew; Schmick; Springer; Stanford and Walsh, J..

MINORITY recommendation: Do not pass. Signed by Representatives Chapman, Vice Chair and Robinson.

Referred to Committee on Rules for second reading.

March 23, 2017

SB 5595 Prime Sponsor, Senator Billig: Concerning maintaining the quarterly average census method for calculating state hospital reimbursements. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist; Buys; Caldier; Cody; Condotta; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Jinkins; Kagi; Lytton; Manweller; Nealey; Pettigrew; Pollet; Sawyer; Schmick; Senn; Springer; Stanford; Taylor; Tharinger; Vick; Volz and Wilcox.

Referred to Committee on Rules for second reading.

March 28, 2017

SSB 5633 Prime Sponsor, Committee on Law & Justice: Changing the definition of theft. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Appropriations.

March 28, 2017

SB 5639 Prime Sponsor, Senator Conway: Concerning alternative student assessments. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"PART I

DISCONTINUING CERTIFICATES OF ACADEMIC AND INDIVIDUAL ACHIEVEMENT AS GRADUATION REQUIREMENTS

Sec. 101. RCW 28A.155.045 and 2007 c 354 s 3 are each amended to read as follows:

Beginning with the graduating class of 2008, students served under this chapter, who are not appropriately assessed by the high school Washington assessment system ((as defined in RCW 28A.655.061)) established in accordance with RCW 28A.655.070, even with accommodations, may ((earn a certificate of individual achievement. The certificate may be earned using multiple ways to)), through multiple options, demonstrate skills and abilities commensurate with their individual education programs. The determination of whether the high school assessment system is appropriate shall be

made by the student's individual education program team. ((Except as provided in RCW 28A.655.0611, for these students, the certificate of individual achievement is required for graduation from a public high school, but need not be the only requirement for graduation.)) When measures other than the high school assessment system ((as defined in RCW 28A.655.061)) established in accordance with RCW 28A.655.070 are used, the measures shall be in agreement with the appropriate educational opportunity provided for the student as required by this chapter. The superintendent of public instruction shall develop the guidelines for determining which students should not be required to participate in the high school assessment system and which types of assessments are appropriate to use.

When measures other than the high school assessment system ((as defined in RCW 28A.655.061)) established in accordance with RCW 28A.655.070 are used for high school graduation purposes, the student's high school transcript shall note whether that student ((has earned a certificate of individual achievement)) was assessed with alternative assessments.

Nothing in this section shall be construed to deny a student the right to participation in the high school assessment system ((as defined in RCW 28A.655.061, and, upon successfully meeting the high school standard, receipt of the certificate of academic achievement)) established in accordance with RCW 28A.655.070.

Sec. 102. RCW 28A.155.170 and 2007 c 318 s 2 are each amended to read as follows:

(1) Beginning July 1, 2007, each school district that operates a high school shall establish a policy and procedures that permit any student who is receiving special education or related services under an individualized education program pursuant to state and federal law and who will continue to receive such services between the ages of eighteen and twenty-one to participate in the graduation ceremony and activities after four years of high school attendance with his or her age-appropriate peers and receive a certificate of attendance.

(2) Participation in a graduation ceremony and receipt of a certificate of

attendance under this section does not preclude a student from continuing to receive special education and related services under an individualized education program beyond the graduation ceremony.

(3) A student's participation in a graduation ceremony and receipt of a certificate of attendance under this section shall not be construed as the student's receipt of ((either:

(a)) a high school diploma pursuant to RCW 28A.230.120(; or

(b) A certificate of individual achievement pursuant to RCW 28A.155.045)).

Sec. 103. RCW 28A.230.090 and 2016 c 162 s 2 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students, except as provided in RCW 28A.230.122 and except those equivalencies established by local high schools or school districts under RCW 28A.230.097. The purpose of a high school diploma is to declare that a student is ready for success in postsecondary education, gainful employment, and citizenship, and is equipped with the skills to be a lifelong learner.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) ((The certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation.

(c)) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level. Effective with the graduating class of 2015, the state board of education may not establish a requirement for students to complete a culminating project for graduation.

((d)) (c)(i) The state board of education shall adopt rules to implement

the career and college ready graduation requirement proposal adopted under board resolution on November 10, 2010, and revised on January 9, 2014, to take effect beginning with the graduating class of 2019 or as otherwise provided in this subsection (1)((d)) (c). The rules must include authorization for a school district to waive up to two credits for individual students based on unusual circumstances and in accordance with written policies that must be adopted by each board of directors of a school district that grants diplomas. The rules must also provide that the content of the third credit of mathematics and the content of the third credit of science may be chosen by the student based on the student's interests and high school and beyond plan with agreement of the student's parent or guardian or agreement of the school counselor or principal.

(ii) School districts may apply to the state board of education for a waiver to implement the career and college ready graduation requirement proposal beginning with the graduating class of 2020 or 2021 instead of the graduating class of 2019. In the application, a school district must describe why the waiver is being requested, the specific impediments preventing timely implementation, and efforts that will be taken to achieve implementation with the graduating class proposed under the waiver. The state board of education shall grant a waiver under this subsection (1)((d)) (c) to an applying school district at the next subsequent meeting of the board after receiving an application.

(2) (a) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(b) The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to ((earn a certificate of academic

achievement,)) complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements.

(c) The state board shall forward any proposed changes to the high school graduation requirements to the education committees of the legislature for review. The legislature shall have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the state board. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized and funded by the legislature through the omnibus appropriations act or other enacted legislation.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not

be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

Sec. 104. RCW 28A.230.122 and 2011 c 203 s 1 are each amended to read as follows:

(1) A student who fulfills the requirements specified in subsection (3) of this section toward completion of an international baccalaureate diploma programme is considered to have satisfied state minimum requirements for graduation from a public high school, except that(:

(a) The provisions of RCW 28A.655.061 regarding the certificate of academic achievement or RCW 28A.155.045 regarding the certificate of individual achievement apply to students under this section; and

(b)) the provisions of RCW 28A.230.170 regarding study of the United States Constitution and the Washington state Constitution apply to students under this section.

(2) School districts may require students under this section to complete local graduation requirements that are in addition to state minimum requirements before issuing a high school diploma under RCW 28A.230.120. However, school districts are encouraged to waive local requirements as necessary to encourage students to pursue an international baccalaureate diploma.

(3) To receive a high school diploma under this section, a student must complete and pass all required international baccalaureate diploma programme courses as scored at the local level; pass all internal assessments as scored at the local level; successfully complete all required projects and products as scored at the local level; and complete the final examinations administered by the international baccalaureate organization in each of the required subjects under the diploma programme.

Sec. 105. RCW 28A.230.125 and 2014 c 102 s 3 are each amended to read as follows:

(1) The superintendent of public instruction, in consultation with the

four-year institutions as defined in RCW 28B.76.020, the state board for community and technical colleges, and the workforce training and education coordinating board, shall develop for use by all public school districts a standardized high school transcript. The superintendent shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) ((The standardized high school transcript shall include a notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement.

(3)) The standardized high school transcript may include a notation of whether the student has earned the Washington state seal of biliteracy established under RCW 28A.300.575.

Sec. 106. RCW 28A.655.070 and 2015 c 211 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the statewide student assessment and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on

depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the statewide student assessment.

(3) (a) In consultation with the state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system may include a variety of assessment methods, including criterion-referenced and performance-based measures.

(b) Effective with the 2009 administration of the Washington assessment of student learning and continuing with the statewide student assessment, the superintendent shall redesign the assessment in the content areas of reading, mathematics, and science in all grades except high school by shortening test administration and reducing the number of short answer and extended response questions.

(c) By the 2014-15 school year, the superintendent of public instruction, in consultation with the state board of education, shall modify the statewide student assessment system to transition to assessments developed with a multistate consortium, as provided in this subsection:

(i) The assessments developed with a multistate consortium to assess student proficiency in English language arts and mathematics shall be administered beginning in the 2014-15 school year. The reading and writing assessments shall not be administered by the superintendent of

public instruction or schools after the 2013-14 school year.

(ii) The high school assessments in English language arts and mathematics in (c)(i) of this subsection shall be used for ((the purposes of earning a certificate of academic achievement for high school graduation under the timeline established in RCW 28A.655.061 and for)) assessing student career and college readiness.

((iii) During the transition period specified in RCW 28A.655.061, the superintendent of public instruction shall use test items and other resources from the consortium assessment to develop and administer a tenth grade high school English language arts assessment, an end-of-course mathematics assessment to assess the standards common to algebra I and integrated mathematics I, and an end-of-course mathematics assessment to assess the standards common to geometry and integrated mathematics II.))

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(5) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment

system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(13) The superintendent shall post on the superintendent's web site lists of resources and model assessments in social studies, the arts, and health and fitness.

(14) The superintendent shall integrate financial education skills and content knowledge into the state learning standards pursuant to RCW 28A.300.460(2)(d).

## PART II

### MODIFICATIONS TO PROVISIONS OF EDUCATION AGENCIES

Sec. 201. RCW 28A.180.100 and 2004 c 19 s 105 are each amended to read as follows:

The office of the superintendent of public instruction and the state board for community and technical colleges shall jointly develop a program plan to provide a continuing education option for students who are eligible for the state transitional bilingual instruction program and who need more time to develop language proficiency but who are more age-appropriately suited for a postsecondary learning environment than for a high school. In developing the plan, the superintendent of public instruction shall consider options to formally recognize the accomplishments of students in the state transitional bilingual instruction program who have completed the twelfth grade but have not ((earned a certificate of academic achievement)) met all applicable graduation requirements. By December 1, 2004, the agencies shall report to the legislative education and fiscal committees with any recommendations for legislative action and any resources necessary to implement the plan.

Sec. 202. RCW 28A.195.010 and 2009 c 548 s 303 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. The state board of education shall not require private school students to meet the student learning goals, ((obtain a

certificate of academic achievement, or a certificate of individual achievement to graduate from high school,)) to master the essential academic learning requirements, or to be assessed pursuant to RCW ((28A.655.061)) 28A.655.070. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements((,)) and take the assessments((, and obtain a certificate of academic achievement or a certificate of individual achievement)). Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum instructional hour offerings, with a school-wide annual average total instructional hour offering of one thousand hours for students enrolled in grades one through twelve, and at least four hundred fifty hours for students enrolled in kindergarten.

(2) The school day shall be the same as defined in RCW 28A.150.203.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.410 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this

subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

(7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) of this section provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 203. RCW 28A.200.010 and 2004 c 19 s 107 are each amended to read as follows:

(1) Each parent whose child is receiving home-based instruction under

RCW 28A.225.010(4) shall have the duty to:

(a) File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction. The statement shall include the name and age of the child, shall specify whether a certificated person will be supervising the instruction, and shall be written in a format prescribed by the superintendent of public instruction. Each parent shall file the statement by September 15th of the school year or within two weeks of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides or the district that accepts the transfer, and the student shall be deemed a transfer student of the nonresident district. Parents may apply for transfer under RCW 28A.225.220;

(b) Ensure that test scores or annual academic progress assessments and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers. At the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls may require a standardized achievement test to be administered and shall have the authority to determine the appropriate grade and course level placement of the child after consultation with parents and review of the child's records; and

(c) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The state board of education shall not require these children to meet the student learning goals((,)) or master the essential academic learning requirements, to take the assessments((, or to obtain a certificate of academic achievement or a certificate of individual achievement pursuant to RCW 28A.655.061 and 28A.155.045)). The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent records. If, as a

result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

(2) Failure of a parent to comply with the duties in this section shall be deemed a failure of such parent's child to attend school without valid justification under RCW 28A.225.020. Parents who do comply with the duties set forth in this section shall be presumed to be providing home-based instruction as set forth in RCW 28A.225.010(4).

Sec. 204. RCW 28A.305.130 and 2013 2nd sp.s. c 22 s 7 are each amended to read as follows:

The purpose of the state board of education is to provide advocacy and strategic oversight of public education; implement a standards-based accountability framework that creates a unified system of increasing levels of support for schools in order to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210. In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business;

(2) Form committees as necessary to effectively and efficiently conduct the work of the board;

(3) Seek advice from the public and interested parties regarding the work of the board;

(4) For purposes of statewide accountability:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems appropriate to improve student learning.

The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education act of 1998, each as amended. The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically underachieving racial and ethnic backgrounds. The board may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. The board shall adopt the goals by rule. However, before each goal is implemented, the board shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b)(i) Identify the scores students must achieve in order to meet the standard on the statewide student assessment ((and, for high school students, to obtain a certificate of academic achievement)). The board shall also determine student scores that identify levels of student performance below and beyond the standard. ((The board shall consider the incorporation of the standard error of measurement into the decision regarding the award of the certificates.)) The board shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose.

(ii) ((By the end of the 2014-15 school year, establish the scores students must achieve to meet the standard and earn a certificate of academic achievement on the tenth grade English language arts assessment and the end-of-course mathematics assessments developed in accordance with RCW 28A.655.070 to be used as the state transitions to high school assessments developed with a multistate consortium.

(iii) By the end of the 2014-15 school year, establish the scores students must achieve to meet the standard and earn a certificate of academic achievement on the high school English language arts assessment and the comprehensive mathematics assessment developed with a multistate consortium in accordance with RCW 28A.655.070. To determine the appropriate score, the state board shall review the transition experience of Washington students to the consortium-developed assessments, examine the student scores used in other states that are administering the consortium-developed assessments, and review the scores in other states that require passage of an eleventh grade assessment as a high school graduation requirement. The scores established by the state board of education for the purposes of earning a certificate of academic achievement and graduation from high school may be different from the scores used for the purpose of determining a student's career and college readiness.

(iv)) The legislature shall be advised of the initial performance standards for the high school statewide student assessment. Any changes recommended by the board in the performance standards for the high school assessment shall be presented to the education committees of the house of representatives and the senate by November 30th of the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature. The legislature shall be advised of the initial performance standards and any changes made to the elementary level performance standards and the middle school level performance standards. The board must provide an explanation of and rationale for all initial performance standards and any changes, for all grade levels of the statewide student assessment. If the board changes the performance standards for any grade level or subject, the superintendent of public instruction must recalculate the results from the previous ten years of administering that assessment regarding students below, meeting, and beyond the state standard, to the extent that this data is available, and post a comparison of the original and recalculated results on the superintendent's web site;

(c) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system; and

(d) Include in the biennial report required under RCW 28A.305.035, information on the progress that has been made in achieving goals adopted by the board;

(5) Accredit, subject to such accreditation standards and procedures as may be established by the state board of education, all private schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve. However, no private school may be approved that operates a kindergarten program only and no private school shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials;

(6) Articulate with the institutions of higher education, workforce representatives, and early learning policymakers and providers to coordinate and unify the work of the public school system;

(7) Hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020. The board may delegate to the executive director by resolution such duties as deemed necessary to efficiently carry on the business of the board including, but not limited to, the authority to employ necessary personnel and the authority to enter into, amend, and terminate contracts on behalf of the board. The executive director, administrative assistant, and all but one of the other personnel of the board are exempt from civil service, together with other staff as now or hereafter designated as exempt in accordance with chapter 41.06 RCW; and

(8) Adopt a seal that shall be kept in the office of the superintendent of public instruction.

Sec. 205. RCW 28A.320.208 and 2013 2nd sp.s. c 22 s 8 are each amended to read as follows:

(1) At the beginning of each school year, school districts must notify parents and guardians of enrolled students from eighth through twelfth grade about each student assessment required by the state, the minimum state-level graduation requirements, and any additional school district graduation requirements. The information may be provided when the student is enrolled, contained in the student or parent handbook, or posted on the school district's web site. The notification must include the following:

(a) When each assessment will be administered;

(b) ((Which assessments will be required for graduation and what options students have to meet graduation requirements if they do not pass a given assessment;

(c)) Whether the results of the assessment will be used for program placement or grade-level advancement;

((d)) (c) When the assessment results will be released to parents or guardians and whether there will be an opportunity for parents and teachers to discuss strategic adjustments; and

((e)) (d) Whether the assessment is required by the school district, state, federal government, or more than one of these entities.

(2) The office of the superintendent of public instruction shall provide information to the school districts to enable the districts to provide the information to the parents and guardians in accordance with subsection (1) of this section.

### PART III

#### ADDITIONAL AND REPEALED PROVISIONS

Sec. 301. RCW 28A.415.360 and 2009 c 548 s 403 are each amended to read as follows:

(1) Subject to funds appropriated for this purpose, targeted professional development programs, to be known as learning improvement days, are authorized to further the development of outstanding mathematics, science, and reading teaching and learning opportunities in the state of Washington. The intent of this section is to provide

guidance for the learning improvement days in the omnibus appropriations act. The learning improvement days authorized in this section shall not be considered part of the definition of basic education.

(2) A school district is eligible to receive funding for learning improvement days that are limited to specific activities related to student learning that contribute to the following outcomes:

(a) Provision of meaningful, targeted professional development for all teachers in mathematics, science, or reading;

(b) Increased knowledge and instructional skill for mathematics, science, or reading teachers;

(c) Increased use of curriculum materials with supporting diagnostic and supplemental materials that align with state standards;

(d) ((Skillful guidance for students participating in alternative assessment activities;

(e)) Increased rigor of course offerings especially in mathematics, science, and reading;

((f)) (e) Increased student opportunities for focused, applied mathematics and science classes;

((g)) (f) Increased student success on state achievement measures; and

((h)) (g) Increased student appreciation of the value and uses of mathematics, science, and reading knowledge and exploration of related careers.

(3) School districts receiving resources under this section shall submit reports to the superintendent of public instruction documenting how the use of the funds contributes to measurable improvement in the outcomes described under subsection (2) of this section; and how other professional development resources and programs authorized in statute or in the omnibus appropriations act contribute to the expected outcomes. The superintendent of public instruction and the office of financial management shall collaborate on required report content and format.

Sec. 302. RCW 28A.600.310 and 2015 c 202 s 4 are each amended to read as follows:

(1) (a) Eleventh and twelfth grade students or students who have not yet received the credits required for the award of a high school diploma and are eligible to be in the eleventh or twelfth grades may apply to a participating institution of higher education to enroll in courses or programs offered by the institution of higher education.

(b) The course sections and programs offered as running start courses must also be open for registration to matriculated students at the participating institution of higher education and may not be a course consisting solely of high school students offered at a high school campus.

(c) A student receiving home-based instruction enrolling in a public high school for the sole purpose of participating in courses or programs offered by institutions of higher education shall not be counted by the school district in any required state or federal accountability reporting if the student's parents or guardians filed a declaration of intent to provide home-based instruction and the student received home-based instruction during the school year before the school year in which the student intends to participate in courses or programs offered by the institution of higher education. Students receiving home-based instruction under chapter 28A.200 RCW and students attending private schools approved under chapter 28A.195 RCW shall not be required to meet the student learning goals(, obtain a certificate of academic achievement or a certificate of individual achievement to graduate from high school,) or to master the essential academic learning requirements. However, students are eligible to enroll in courses or programs in participating universities only if the board of directors of the student's school district has decided to participate in the program. Participating institutions of higher education, in consultation with school districts, may establish admission standards for these students. If the institution of higher education accepts a secondary school pupil for enrollment under this section, the institution of higher education shall send written notice to the pupil and the pupil's school district within ten days of acceptance. The notice shall indicate the course and hours of enrollment for that pupil.

(2) (a) In lieu of tuition and fees, as defined in RCW 28B.15.020 and 28B.15.041:

(i) Running start students shall pay to the community or technical college all other mandatory fees as established by each community or technical college and, in addition, the state board for community and technical colleges may authorize a fee of up to ten percent of tuition and fees as defined in RCW 28B.15.020 and 28B.15.041; and

(ii) All other institutions of higher education operating a running start program may charge running start students a fee of up to ten percent of tuition and fees as defined in RCW 28B.15.020 and 28B.15.041 in addition to technology fees.

(b) The fees charged under this subsection (2) shall be prorated based on credit load.

(c) Students may pay fees under this subsection with advanced college tuition payment program tuition units at a rate set by the advanced college tuition payment program governing body under chapter 28B.95 RCW.

(3) (a) The institutions of higher education must make available fee waivers for low-income running start students. Each institution must establish a written policy for the determination of low-income students before offering the fee waiver. A student shall be considered low income and eligible for a fee waiver upon proof that the student is currently qualified to receive free or reduced-price lunch. Acceptable documentation of low-income status may also include, but is not limited to, documentation that a student has been deemed eligible for free or reduced-price lunches in the last five years, or other criteria established in the institution's policy.

(b) Institutions of higher education, in collaboration with relevant student associations, shall aim to have students who can benefit from fee waivers take advantage of these waivers. Institutions shall make every effort to communicate to students and their families the benefits of the waivers and provide assistance to students and their families on how to apply. Information about waivers shall, to the greatest extent possible, be incorporated into financial aid counseling, admission information, and individual billing statements. Institutions also shall, to the greatest extent possible, use all means of

communication, including but not limited to web sites, online catalogues, admission and registration forms, mass email messaging, social media, and outside marketing to ensure that information about waivers is visible, compelling, and reaches the maximum number of students and families that can benefit.

(4) The pupil's school district shall transmit to the institution of higher education an amount per each full-time equivalent college student at statewide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 to school districts for purposes of making such payments and for granting school districts seven percent thereof to offset program related costs. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW. The superintendent of public instruction, participating institutions of higher education, and the state board for community and technical colleges shall consult on the calculation and distribution of the funds. The funds received by the institution of higher education from the school district shall not be deemed tuition or operating fees and may be retained by the institution of higher education. A student enrolled under this subsection shall be counted for the purpose of meeting enrollment targets in accordance with terms and conditions specified in the omnibus appropriations act.

NEW SECTION. Sec. 303. A new section is added to chapter 28A.655 RCW to read as follows:

To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district must prepare plans for and notify students and their parents or legal guardians as provided in this section. Student learning plans are required for eighth grade students who were not successful on any or all of the content areas of the state assessment during the previous

school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian must be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents must translate the plan into the primary language of the family. The plan must include the following information as applicable:

(1) The student's results on the state assessment;

(2) If the student is in the transitional bilingual instruction program, the score on his or her Washington language proficiency test II;

(3) Any credit deficiencies;

(4) The student's attendance rates over the previous two years;

(5) The student's progress toward meeting state and local graduation requirements;

(6) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;

(7) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;

(8) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and

(9) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.

NEW SECTION. Sec. 304. The following acts or parts of acts are each repealed:

(1) RCW 28A.600.405 (Participation in high school completion pilot program—Eligible students—Funding allocations—Rules—Information for students and parents) and 2012 1st sp.s. c 10 s 4 & 2007 c 355 s 4;

(2) RCW 28A.655.061 (High school assessment system—Certificate of academic achievement—Exemptions—Options to retake high school assessment—

Objective alternative assessment—Student learning plans) and 2015 3rd sp.s. c 42 s 2, 2013 2nd sp.s. c 22 s 2, 2011 1st sp.s. c 22 s 2, 2010 c 244 s 1, 2009 c 524 s 5, & 2008 c 321 s 2;

(3)RCW 28A.655.063 (Objective alternative assessments—Reimbursement of costs—Testing fee waivers) and 2007 c 354 s 7 & 2006 c 115 s 5;

(4)RCW 28A.655.065 (Objective alternative assessment methods—Appeals from assessment scores—Waivers and appeals from assessment requirements—Rules) and 2009 c 556 s 19, 2008 c 170 s 205, 2007 c 354 s 6, & 2006 c 115 s 1;

(5)RCW 28A.655.066 (Statewide end-of-course assessments for high school mathematics) and 2013 2nd sp.s. c 22 s 3, 2011 c 25 s 2, 2009 c 310 s 3, & 2008 c 163 s 3; and

(6)RCW 28A.655.068 (Statewide high school assessment in science) and 2013 2nd sp.s. c 22 s 4 & 2011 1st sp.s. c 22 s 3.

NEW SECTION. Sec. 305. This act applies to students in the graduating class of 2017 and subsequent graduating classes.

NEW SECTION. Sec. 306. 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.

Signed by Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist; Caldier; Johnson; Kilduff; Lovick; McCaslin; Ortiz-Self; Senn; Slatter; Springer; Steele and Volz.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove and Stokesbary.

Referred to Committee on Appropriations.

March 28, 2017  
**SSB 5790** Prime Sponsor, Committee on Local Government: Concerning the economic development element of the growth management act. Reported by Committee on Environment

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This act may be known and cited as the economic revitalization act.

NEW SECTION. Sec. 2. Section 1 of the growth management act of 1990 clearly states the act is to provide for sustainable economic development, and that it is in the public interest that economic development programs be shared with communities experiencing insufficient economic growth. Through this act, it is the intent of the legislature to provide additional tools to help local governments provide family wage jobs, increase incomes, and increase economic opportunities for all taxpayers and residents in communities with deteriorating economies.

Sec. 3. RCW 36.70A.070 and 2015 c 241 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including

Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because

circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by

the local government according to RCW 36.70A.030(15). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(15). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of

this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do

not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element ((shall)) may include(: (a) A summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate; (b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use,

transportation, utilities, education, workforce, housing, and natural/cultural resources; and (c) an identification of policies, programs, and projects to foster economic growth and development and to address future needs)) the provisions in section 4 of this act. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

NEW SECTION. Sec. 4. A new section is added to chapter 36.70A RCW to read as follows:

(1)(a) The economic development element required by RCW 36.70A.070(7) may include the following:

(i) A summary of the local economy, such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate;

(ii) A summary of the strengths and weaknesses of the local economy, including the commercial, industrial, manufacturing, natural resource, and other locally significant economic sectors and supporting factors such as land use, transportation, utilities, education, workforce, housing, and natural/cultural resources;

(iii) An identification of policies, programs, and projects to foster economic growth and development and to address future needs; and

(iv) An evaluation of whether there has been economic growth of the local economy during the prior eight years, including whether the city, town, or county median household income is above or below the state average.

(b) The economic development element should include the following:

(i) Policies and programs to promote increases in family, individual, and business incomes;

(ii) An examination of whether sites planned for economic development have adequate public facilities and services, and, as appropriate, a plan for any needed public facilities and services;

(iii) Policies and programs to encourage access to education and training for family wage jobs; and

(iv) Policies and programs to address economic development opportunities including existing industries and businesses, value added manufacturing of locally produced natural resources, and the use of locally produced energy and other natural resources.

(2) Each county and city planning under RCW 36.70A.040 is encouraged to adopt comprehensive plans and development regulations that promote economic development in urban and rural areas, and evaluate economic performance in the jurisdiction in the time since the most recent update to the comprehensive plan. Each county and city planning under RCW 36.70A.040 may make findings regarding the economic condition of the jurisdiction, including whether economic deterioration exists in the county or city. If there is stagnation or economic deterioration during the period of time since the most recent update to the comprehensive plan, the comprehensive plan and development regulations may be modified to increase economic development opportunities.

(3) (a) Rural counties, as defined in RCW 82.14.370(5), that are planning under RCW 36.70A.040, and the cities within those counties, may identify policies, programs, and development opportunities to address the potential for economic deterioration and to seize economic development opportunities.

(b) Until January 1, 2019, a rural county, as defined in RCW 82.14.370(5), may designate a limited area of more intensive rural development consistent

with the requirements of RCW 36.70A.070(5) (d) (i) through (iv) and (e) if the county:

(i) Is planning under RCW 36.70A.040;

(ii) Had a population of less than fifty thousand as of January 1, 2017;

(iii) Has had a population increase of less than seventeen percent in the previous ten years; and

(iv) Has issued a finding of economic deterioration consistent with subsection (2) of this section.

(c) A limited area of more intensive rural development designated by a county under this subsection (3) must apply only to an existing area or existing use that was in existence as of July 1, 1990, or as of January 1, 2017. A limited area of more intensive rural development designated under this subsection (3) is not subject to the definitions of existing area or existing use in RCW 36.70A.070(5) (d) (v). Through the designation of a limited area of more intensive rural development under this subsection (3), a county may authorize use of a type that is different from the existing area or existing use as of July 1, 1990, or January 1, 2017.

(4) For purposes of this section, economic deterioration is exemplified by, but not limited to, any combination of the following performance outcomes:

(a) Incomes that are at least ten thousand dollars less than the statewide median household income for the same year as established by the office of financial management;

(b) A decrease in the county's household median income during any year within the prior eight years;

(c) The inability of the jurisdiction to add new full-time jobs in sufficient quantities to provide for population increases;

(d) Decreases or stagnation of economic start-ups during multiple years within the prior eight years;

(e) Unemployment rates that are higher than the national and statewide averages over multiple years within the prior eight years; and

(f) Decreases or stagnation in the issuance of commercial building permits during multiple years in the time since the comprehensive plan was last updated.

(5) A petition for review of a designation of a local area of more intense rural development under subsection (3) of this section must be directly reviewed by the superior court. The requirements of RCW 36.70A.295 (3) through (7) apply to a superior court review of a petition for review under this subsection."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys; Dye; Fey; Kagi and McBride.

Referred to Committee on Rules for second reading.

March 29, 2017

SB 5793 Prime Sponsor, Senator Warnick:  
Concerning an assessment on cattle.  
Reported by Committee on Agriculture &  
Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 16.67.120 and 2002 c 313 s 83 are each amended to read as follows:

(1) There is hereby levied an assessment of one dollar and fifty cents per head on all Washington cattle sold in this state or elsewhere to be paid by the seller at the time of sale: PROVIDED, That if such sale is accompanied by a brand inspection by the department such assessment may be collected at the same time, place and in the same manner as brand inspection fees. Such fees may be collected by the livestock services division of the department and transmitted to the commission: PROVIDED FURTHER, That, if such sale is made without a brand inspection by the department the assessment shall be paid by the seller and transmitted directly to the commission by the fifteenth day of the month following the month the transaction occurred. Fifty cents of the one dollar and fifty cent assessment under this subsection may not be collected at the first point of sale of any calf identified with a green tag as defined in RCW 16.57.160.

(2) The procedures for collecting all state and federal assessments under this chapter shall be as required by the federal order and as described by rules adopted by the commission.

NEW SECTION. Sec. 2. A new section is added to chapter 16.67 RCW to read as follows:

(1) The budget required in RCW 16.67.090(8) must set forth the complete and detailed financial program of the commission, showing the revenues and expenditures of the commission. The budget must be explanatory, describing how the funding is used to administer and implement the commission's programs and priorities, and include the reasons for salient changes from the previous fiscal period in expenditure or revenue items. The budget must explain any major changes to financial policy and contain an outline of the proposed financial policies of the commission for the ensuing fiscal period and describe performance indicators that demonstrate measurable progress toward the commission's priorities.

(2) The budget must be sufficiently detailed to provide transparency for the commission's actions on behalf of the industry.

(3) The commission must submit to the legislature a concise yet detailed report of the commission's activities and expenditures after the completion of each fiscal year."

Correct the title.

Signed by Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson; Springer and Stanford.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick and Walsh, J..

Referred to Committee on Appropriations.

March 28, 2017

SB 5813 Prime Sponsor, Senator Padden:  
Concerning crimes against minors.  
Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Chapman; Griffey; Holy; Orwall; Pettigrew and Van Werven.

Referred to Committee on Rules for second reading.

March 29, 2017

SJM 8009 Prime Sponsor, Senator Chase: Requesting Congress to provide the National Oceanic and Atmospheric Administration Fisheries with sufficient resources to expedite its endangered species act and national environmental policy act review of Puget Sound hatchery and genetic management plans and that the National Oceanic and Atmospheric Administration Fisheries prioritize and conduct immediate review and approval of Puget Sound hatchery and genetic management plans. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon; Lytton; Orcutt; Pettigrew; Robinson; Springer; Stanford and Walsh, J..

MINORITY recommendation: Do not pass. Signed by Representatives Chapman, Vice Chair; Chandler and Schmick.

Referred to Committee on Rules for second reading.

**REPORTS OF STANDING COMMITTEES  
3<sup>RD</sup> SUPPLEMENTAL**

March 29, 2017

HB 2143 Prime Sponsor, Representative Haler: Expanding opportunities for higher education students. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Haler; Orwall; Sells and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member and Stambaugh.

Referred to Committee on Appropriations.

March 29, 2017

SSB 5100 Prime Sponsor, Committee on Ways & Means: Requiring financial literacy seminars for students at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Haler; Orwall; Stambaugh and Tarleton.

MINORITY recommendation: Without recommendation. Signed by Representative Sells.

Referred to Committee on Appropriations.

March 29, 2017

2SSB 5201 Prime Sponsor, Committee on Ways & Means: Concerning individuals receiving both employment and community access services. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes the need for person-centered services that enable developmentally disabled clients to have greater access to their community regardless of the degree of each client's disability or level of acuity. The legislature further recognizes that employment is highly effective for many and should be encouraged and offered at the outset for individuals age twenty-one and older. However, for others with significant barriers to employment the state likewise recognizes the need for the availability of community access services to enhance employment discovery prospects, provide skills development, or provide community involvement and meaningful activities.

The legislature intends to maximize the benefits that clients receive through supported employment through accountability measures. These transparency measures will allow supported employment providers to demonstrate successes and provide data on client outcomes.

Sec. 2. RCW 71A.12.290 and 2012 c 49 s 1 are each amended to read as follows:

(1) Clients age twenty-one and older who are receiving employment services must be offered the choice to transition to a community access program after nine months of enrollment in an employment program, and the option to transition from a community access program to an employment program at any time. Enrollment in an employment program begins at the time the client is authorized to receive employment.

(2) (a) Prior approval by the department shall not be required to effectuate the client's choice to transition from an employment program to community access services after

verifying nine months of participation in employment-related services.

(b) The department shall permit clients to enroll in a community access program without first engaging in nine months of employment services when:

(i) Medical or behavioral health records document a condition or a combination of conditions that prevent the client from successfully participating in, engaging in, and completing nine consecutive months of supported employment services;

(ii) Employment services were not provided to the client within ninety days of referral; or

(iii) The department otherwise determines that the client should be provided an exception to engaging in nine months of employment services.

(3) The department shall inform clients and their legal representatives of all available options for employment and day services, including the opportunity to request an exception from enrollment in an employment program. The department shall inform clients and their legal representatives of the ability to request an exception to the employment services participation requirement and describe the process for requesting such an exception to clients in writing. The department shall provide a written response to clients who have requested such an exception within sixty days. This written response from the department shall include a description of the reason or reasons why the request was granted or denied. Information provided to the client and the client's legal representative must include the types of activities each service option provides, and the amount, scope, and duration of service for which the client would be eligible under each service option. An individual client may be authorized for only one service option, either employment services or community access services. Clients may not participate in more than one of these services at any given time.

(4) The department shall work with counties and stakeholders to strengthen and expand ((the existing community access program, including the consideration of options that allow for alternative service settings outside of the client's residence. The program should emphasize support for the clients so that they are able to participate in

activities that integrate them into their community and support independent living and skills)) employment services and other community access services. Community access services shall emphasize supports and activities that increase community involvement, maintain or improve skills and independence, and meet the diversity of person-centered needs.

((5) The department shall develop rules to allow for an exception to the requirement that a client participate in an employment program for nine months prior to transitioning to a community access program)) (a) Beginning July 1, 2019, the department shall allow clients age twenty-one and older who are assessed as high acuity clients to transition into the community access program after ninety days of enrollment in an employment program and subject to federal waiver approval. The department shall inform clients assessed as high acuity of the ability to transition into the community access program no later than ten days after enrollment in an employment program. For purposes of this section, "high acuity clients" means clients of the department who are receiving developmental disability services; require support in the community at all times to maintain his or her health and safety; experience significant barriers to employment or community participation; and require frequent supervision, training, or full physical assistance with community activities most of the time.

(b) The department shall permit clients assessed as high acuity clients to enroll in a community access program without first engaging in ninety days of employment services when:

(i) Medical or behavioral health records document a condition or a combination of conditions that prevent the client from successfully participating in, engaging in, and completing ninety consecutive days of supported employment services;

(ii) Employment services were not provided to the client within ninety days of referral; or

(iii) The department otherwise determines that the client should be provided an exception to engaging in ninety days of employment services.

NEW SECTION. Sec. 3. A new section is added to chapter 71A.12 RCW to read as follows:

(1) By December 1, 2017, the department shall adopt accountability and outcome measures to determine whether supported employment providers are achieving the employment goals of the clients that they serve. At a minimum, these accountability and outcome measures must include the following information provided annually:

(a) A description of the supported employment services provided;

(b) The number of service hours billed per client;

(c) The number of clients who obtained employment; and

(d) Of those clients who obtained employment:

(i) The number of service hours provided to the client;

(ii) The number of service hours involving direct interaction with the client while employment was being secured;

(iii) The number of hours per month clients were employed;

(iv) The amount of wages earned; and

(v) The occupation types secured by clients.

(2) By July 1, 2019, the department shall require that counties entering into new contracts for supported employment services or renewing supported employment contracts include provisions in their contracts that incorporate the accountability and outcome measures adopted by the department pursuant to this section and mechanisms for reporting data to support the accountability and outcome measures.

NEW SECTION. Sec. 4. A new section is added to chapter 71A.12 RCW to read as follows:

(1) By December 1, 2017, the department shall report to the appropriate committees of the legislature and the governor the accountability measures that were adopted for ensuring that supported employment providers achieve the employment goals of the clients that they serve pursuant to section 3 of this act.

(2) This section expires July 1, 2018.

NEW SECTION. Sec. 5. A new section is added to chapter 71A.12 RCW to read as follows:

(1) Within existing resources, the department shall consult with the office of the superintendent of public instruction to identify best practices within schools for offering transition services and employment-related services to individuals with developmental disabilities. By December 1, 2017, the department shall post the results of this consultation on its web site, as appropriate.

(2) This section expires July 1, 2018."

Correct the title.

Signed by Representatives Kagi, Chair; Dent, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Frame; Goodman; Griffey; Kilduff; Klippert; McCaslin and Muri.

MINORITY recommendation: Do not pass. Signed by Representatives Senn, Vice Chair and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative Lovick.

Referred to Committee on Appropriations.

March 29, 2017

SB 5614

Prime Sponsor, Senator Darneille: Concerning diversion agreements and counsel and release agreements. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Frame; Goodman; Kilduff; Lovick and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Griffey; Klippert and Muri.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent, Ranking Minority Member; McDonald, Assistant Ranking Minority Member and McCaslin.

Referred to Committee on Rules for second reading.

March 29, 2017

SSB 5618

Prime Sponsor, Committee on Human Services, Mental Health & Housing: Concerning arrest of sixteen and seventeen year olds for domestic violence assault. Reported by Committee on Early Learning & Human Services

**MAJORITY recommendation: Do pass as amended.**

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 10.31.100 and 2016 c 203 s 9 and 2016 c 113 s 1 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through ((12)) (11) of this section.

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

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

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

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint

has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is eighteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (A) The intent to protect victims of domestic violence under RCW 10.99.010; (B) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (C) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) ((A police officer shall, at the request of a parent or guardian, arrest the sixteen or seventeen year old child of that parent or guardian if the officer has probable cause to believe that the child has assaulted a family or household member as defined in RCW 10.99.020 in the preceding four hours. Nothing in this subsection removes a police officer's existing authority provided in this section to make an arrest.

(4)) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic

laws shall have the authority to arrest the person:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

((15)) (14) Except as specifically provided in subsections (2), (3), (4), ((5),) and ((8)) (7) of this section,

nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

((16)) (15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or ((10)) (9) of this section if the police officer acts in good faith and without malice.

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

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

((18) A juvenile detention facility shall book into detention any person under age eighteen brought to that detention facility pursuant to an arrest for assaulting a family or household member as defined in RCW 10.99.020.))"

Correct the title.

Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; Muri and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representative McCaslin.

Referred to Committee on Rules for second reading.

March 29, 2017  
SSB 5713 Prime Sponsor, Committee on Higher Education: Creating the skilled worker outreach, recruitment, and career awareness training program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this

chapter unless the context clearly requires otherwise.

(1) "Department" means the department of commerce.

(2) "Eligible applicant" means any government entity or any nongovernment entity, association, or organization that is not a private vocational school, that:

(a) Offers, or plans to offer, a skilled worker awareness program; and

(b) Has partnered with industry to either offer or fund a skilled worker awareness program.

(3) "Grant program" means the skilled worker outreach, recruitment, and career awareness grant program.

(4) "Grant review committee" means the skilled worker outreach, recruitment, and career awareness grant program review committee created in section 5 of this act.

(5) "Matching grant" means a grant funded by the state to match funding provided by an eligible applicant to support efforts to increase the state's skilled workforce.

(6) "Skilled worker awareness program" means a program designed to increase awareness of, and enrollment in, accredited educational, occupational, state-approved preapprenticeship, apprenticeship, and similar training programs that: (a) Train individuals to perform skills needed in the workforce; and (b) award industry or state-recognized certificates, credentials, associate degrees, professional licenses, or similar evidence of achievement but not including bachelor's or higher degrees.

NEW SECTION. Sec. 2. (1) Subject to availability of amounts appropriated for this specific purpose, the skilled worker outreach, recruitment, and career awareness grant program is created. The purpose of the grant program is to increase the state's skilled workforce by raising awareness of the state's worker training programs.

(2) (a) Under the grant program, the department must award matching grants to eligible applicants that will engage in outreach and recruiting efforts to increase enrollment in and completion of worker training programs.

(b) Recipients of the grant must provide matching cash funding. The recipient's match must be two dollars for each one dollar of the grant. The recipient's match may not be in the form of in-kind contributions.

NEW SECTION. Sec. 3. (1) The department shall administer the grant program and establish a process for accepting grant applications, including application guidelines and deadlines.

(2) By January 1, 2018, and annually no later than January 1st thereafter, the department shall start accepting grant applications.

NEW SECTION. Sec. 4. (1) To be considered for a matching grant, an eligible applicant must include, at a minimum, the following information in its application:

(a) A description of how the matching grant will be used to provide outreach, education, and recruitment for training programs;

(b) A description of the training programs the applicant plans to promote, the particular skills taught by that training program, and the number of years the training program has been in operation;

(c) Past, current, and projected enrollment in the training program the applicant plans to promote and the estimated increases in enrollment, if the training program has been in existence;

(d) If the applicant is promoting an existing training program, a comparison of the number of participants who enroll in the training program and the number of participants who complete the program over a five-year period, if available;

(e) Specific industry needs or gaps in the workforce that the training program will or does address;

(f) A description of intended or existing partnerships with industry members, including those where training program participants will have the opportunity to earn income or credit hours;

(g) Costs or the anticipated costs to implement the skilled worker awareness program;

(h) Resources that the eligible applicant will commit in matching dollars and, if the applicant already has a skilled worker awareness program,

existing resources that the applicant has invested in recruiting, outreach, and funding of its skilled worker awareness program; and

(i) Any other information the department requires.

(2) Upon receipt of an application that satisfies the requirements in this section, the department must send the application to the grant review committee for its consideration.

NEW SECTION. Sec. 5. (1) The department must establish a grant review committee to review grant applications and make recommendations on who should receive a matching grant and the amount. The grant review committee must consist of eleven members with representatives from the following:

(a) The department of labor and industries;

(b) The employment security department;

(c) The department of enterprise services;

(d) The workforce training and education coordinating board;

(e) The state board for community and technical colleges;

(f) Two representatives from business;

(g) Two representatives from labor; and

(h) Two representatives from the Washington apprenticeship and training council.

(2) The grant review committee shall designate a chair to oversee the committee's meetings.

(3) The grant review committee shall establish criteria for ranking eligible applicants for matching grant awards. The grant review committee shall consider and rank eligible applicants based on which applicants currently are able to or have the best potential to:

(a) Reach a broad diverse audience, including populations with barriers as identified in the state's comprehensive workforce training and education plan, through their recruitment and outreach efforts;

(b) Collaborate with and utilize centers of excellence within the community and technical college system;

(c) Significantly increase enrollment and completion of the training program the applicant plans to promote;

(d) Fill existing needs for skilled workers in the market; and

(e) Demonstrate the following, prioritized in the following order:

(i) That the eligible applicant will provide monetary contributions from its own resources; and

(ii) That the eligible applicant has secured:

(A) An industry partner; or

(B) Monetary contributions from an industry partner, conditional job placement guarantees, or articulation agreements.

(4) The grant review committee shall submit its recommendations to the director of the department, who shall determine to whom and in what amounts to award matching grants. Matching grants must be awarded no later than April 1st each year following the application submittal deadline.

NEW SECTION. Sec. 6. Grant recipients may not use matching grants for tuition subsidies or to reduce tuition for any training program.

NEW SECTION. Sec. 7. (1) Each eligible applicant that receives a matching grant shall submit a quarterly report and an annual report to the grant review committee on the outcomes achieved. The grant recipient shall include in the report at least the following measurable outcomes:

(a) The manner in which the grant recipient has used the matching grant for outreach and recruitment;

(b) The number of participants enrolled in and the number of participants who completed the training program being promoted, both before the matching grant was awarded and since the matching grant was received;

(c) The number of participants who obtained employment in an industry for which the participant was trained under the training program promoted by the recipient, including information about the industry in which the participants are employed;

(d) The number of participants recruited; and

(e) Any other information the grant review committee determines appropriate.

(2) By December 1, 2019, and by each December 1st thereafter, the grant review committee shall submit an annual report to the governor and appropriate committees of the legislature in accordance with the reporting requirements in RCW 43.01.036. The report must include:

(a) The number of matching grants awarded in the prior year, including the amount, recipient, and duration of each matching grant;

(b) The number of individuals who enrolled in and completed training programs promoted by each grant recipient;

(c) The number of individuals who obtained employment in a position that uses the skills for which they were trained through a training program promoted by a grant recipient; and

(d) Other information obtained from grant recipients' reports under subsection (1) of this section.

NEW SECTION. Sec. 8. To assist with implementation of the grant program, the department, in coordination with the workforce training and education coordinating board and the workforce training customer advisory committee, shall coordinate skilled worker awareness programs throughout the state. The coordination must include:

(1) Partnering with industry associations, labor-management programs, and businesses to assess and determine their workforce needs; and

(2) Coordinating with training program providers on skill sets being developed and the quality of students being trained.

NEW SECTION. Sec. 9. The skilled worker outreach, recruitment, and career awareness grant program account is created in the custody of the state treasurer. The department shall deposit in the account all money received for the program. The account shall be self-sustaining and consist of funds appropriated by the legislature for the skilled worker outreach, recruitment, and career awareness grant program and private contributions to the program. Expenditures from the account shall only be used for matching grants provided to grant recipients. Only the director of

the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 10. This chapter expires July 1, 2022.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Haler; Orwall; Sells; Stambaugh and Tarleton.

Referred to Committee on Appropriations.

March 29, 2017

2SSB 5749 Prime Sponsor, Committee on Ways & Means: Concerning paperwork reduction in order to improve the availability of mental health services to protect children and families. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a prioritized recommendation of the children's mental health work group, as reported in December 2016, is to reduce burdensome and duplicative paperwork requirements for providers of children's mental health services. This recommendation is consistent with the recommendations of the behavioral health workforce assessment of the workforce training and education coordinating board to reduce time-consuming documentation requirements and the behavioral and primary health regulatory alignment task force to streamline regulations and reduce the time spent responding to inefficient and excessive audits.

The legislature further finds that duplicative and overly prescriptive documentation and audit requirements negatively impact the adequacy of the provider network by reducing workforce morale and limiting the time available for patient care. Such requirements create costly barriers to the efficient provision of services for children and

their families. The legislature also finds that current state regulations are often duplicative or conflicting with research-based models and other state-mandated treatment models intended to improve the quality of services and ensure positive outcomes. These barriers can be reduced while creating a greater emphasis on quality, outcomes, and safety.

The legislature further finds that social workers serving children are encumbered by burdensome paperwork requirements which can interfere with the effective delivery of services.

Therefore, the legislature intends to require the department of social and health services to take steps to reduce paperwork, documentation, and audit requirements that are inefficient or duplicative for social workers who serve children and for providers of mental health services to children and families, and to encourage the use of effective treatment models to improve the quality of services.

NEW SECTION. Sec. 2. A new section is added to chapter 71.24 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must immediately perform a review of its rules, policies, and procedures related to the documentation requirements for behavioral health services. Rules adopted by the department relating to the provision of behavioral health services must:

(a) Identify areas in which duplicative or inefficient documentation requirements can be eliminated or streamlined for providers;

(b) Limit prescriptive requirements for individual initial assessments to allow clinicians to exercise professional judgment to conduct age-appropriate, strength-based psychosocial assessments, including current needs and relevant history according to current best practices;

(c) By April 1, 2018, provide a single set of regulations for agencies to follow that provide mental health, substance use disorder, and co-occurring treatment services;

(d) Exempt providers from duplicative state documentation requirements when

the provider is following documentation requirements of an evidence-based, research-based, or state-mandated program that provides adequate protection for patient safety; and

(e) Be clear and not unduly burdensome in order to maximize the time available for the provision of care.

(2) Subject to the availability of amounts appropriated for this specific purpose, audits conducted by the department relating to provision of behavioral health services must:

(a) Rely on a sampling methodology to conduct reviews of personnel files and clinical records based on written guidelines established by the department that are consistent with the standards of other licensing and accrediting bodies;

(b) Treat organizations with multiple locations as a single entity. The department must not require annual visits at all locations operated by a single entity when a sample of records may be reviewed from a centralized location;

(c) Share audit results with behavioral health organizations to assist with their review process and, when appropriate, take steps to coordinate and combine audit activities;

(d) Coordinate audit functions between the department and the department of health to combine audit activities into a single site visit and eliminate redundancies;

(e) Not require information to be provided in particular documents or locations when the same information is included or demonstrated elsewhere in the clinical file, except where required by federal law; and

(f) Ensure that audits involving manualized programs such as wraparound with intensive services or other evidence or research-based programs are conducted to the extent practicable by personnel familiar with the program model and in a manner consistent with the documentation requirements of the program.

NEW SECTION. Sec. 3. A new section is added to chapter 71.24 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the health care authority must immediately perform a review of its rules, policies, and procedures related

to the documentation requirements for behavioral health services. Rules adopted by the health care authority relating to the provision of behavioral health services must:

(a) Identify areas in which duplicative or inefficient documentation requirements can be eliminated or streamlined for providers;

(b) Limit prescriptive requirements for individual initial assessments to allow clinicians to exercise professional judgment to conduct age-appropriate, strength-based psychosocial assessments, including current needs and relevant history according to current best practices;

(c) By April 1, 2018, provide a single set of regulations for agencies to follow that provide mental health, substance use disorder, and co-occurring treatment services;

(d) Exempt providers from duplicative state documentation requirements when the provider is following documentation requirements of an evidence-based, research-based, or state-mandated program that provides adequate protection for patient safety; and

(e) Be clear and not unduly burdensome in order to maximize the time available for the provision of care.

(2) Subject to the availability of amounts appropriated for this specific purpose, audits conducted by the health care authority relating to provision of behavioral health services must:

(a) Rely on a sampling methodology to conduct reviews of personnel files and clinical records based on written guidelines established by the health care authority that are consistent with the standards of other licensing and accrediting bodies;

(b) Treat organizations with multiple locations as a single entity. The health care authority must not require annual visits at all locations operated by a single entity when a sample of records may be reviewed from a centralized location;

(c) Share audit results with behavioral health organizations to assist with their review process and, when appropriate, take steps to coordinate and combine audit activities;

(d) Coordinate audit functions between the health care authority and the department of health to combine audit activities into a single site visit and eliminate redundancies;

(e) Not require information to be provided in particular documents or locations when the same information is included or demonstrated elsewhere in the clinical file, except where required by federal law; and

(f) Ensure that audits involving manualized programs such as wraparound with intensive services or other evidence or research-based programs are conducted to the extent practicable by personnel familiar with the program model and in a manner consistent with the documentation requirements of the program.

NEW SECTION. Sec. 4. (1) Subject to the availability of amounts appropriated for this specific purpose, the department of social and health services must immediately perform a review of casework documentation and paperwork requirements for social service specialists and other direct service staff with the children's administration who provide services to children. The review must identify areas in which duplicative or inefficient documentation and paperwork requirements can be eliminated or streamlined in order to allow social workers to spend greater amounts of time and attention on direct services to children and their families. The department must complete the review by November 1, 2017. Upon completion of the review, the department must take immediate steps to amend department rules and procedures accordingly.

(2) This section expires December 31, 2018.

NEW SECTION. Sec. 5. Section 2 of this act takes effect only if neither Substitute House Bill No. 1388 (including any later amendments or substitutes) nor

Substitute Senate Bill No. 5259 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section.

NEW SECTION. Sec. 6. Section 3 of this act takes effect only if Substitute House Bill No. 1388 (including any later amendments or substitutes) or Substitute Senate Bill No. 5259 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section."

Correct the title.

Signed by Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Frame; Goodman; Griffey; Kilduff; Klippert; Lovick; McCaslin and Muri.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's committee report and on the first, second and third supplemental committee reports under the fifth order of business were referred to the committees so designated.

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

#### MOTION

There being no objection, the Committee on Appropriations was relieved of SUBSTITUTE SENATE BILL NO. 5035, and the bill was referred to the Committee on Rules.

There being no objection, the House adjourned until 1:30 p.m., March 30, 2017, the 81st Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk