

SIXTY SIXTH LEGISLATURE - REGULAR SESSION

FIFTY FOURTH DAY

House Chamber, Olympia, Friday, March 8, 2019

The House was called to order at 9:00 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 Rebekah Gowan and Helen Neuroth. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Byron Sanders, Faith Baptist Church, Ferndale, Washington.

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 third order of business.

MESSAGE FROM THE SENATE

March 7, 2019

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5164,
 SUBSTITUTE SENATE BILL NO. 5181,
 SENATE BILL NO. 5199,
 SENATE BILL NO. 5205,
 SENATE BILL NO. 5310,
 SENATE BILL NO. 5350,
 SUBSTITUTE SENATE BILL NO. 5394,
 SENATE BILL NO. 5404,
 SUBSTITUTE SENATE BILL NO. 5428,
 SENATE BILL NO. 5505,
 SECOND SUBSTITUTE SENATE BILL NO. 5602,
 SENATE BILL NO. 5764,
 SENATE BILL NO. 5787,
 SENATE BILL NO. 5816,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

INTRODUCTION & FIRST READING

HB 2140 by Representatives Sullivan, Dolan and Thai

AN ACT Relating to K-12 education funding.

Referred to Committee on Appropriations.

HB 2141 by Representative Morris

AN ACT Relating to eliminating the preferential business and occupation tax rate for travel agents; amending RCW 82.04.260; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

SB 5022 by Senators Keiser, Conway, Van De Wege, Hunt, Hobbs, Wellman and Kuderer

AN ACT Relating to granting binding interest arbitration rights to certain higher education uniformed personnel; amending RCW 41.80.005 and 41.80.010; adding new sections to chapter 41.80 RCW; and prescribing penalties.

Referred to Committee on Appropriations.

2SSB 5082 by Senate Committee on Ways & Means (originally sponsored by McCoy, Hasegawa, Kuderer and Saldaña)

AN ACT Relating to promoting and expanding social emotional learning; amending RCW 28A.410.270; and adding new sections to chapter 28A.300 RCW.

Referred to Committee on Appropriations.

SSB 5089 by Senate Committee on Ways & Means (originally sponsored by Wellman, Darneille, Palumbo, Wilson, C., Kuderer and Saldaña)

AN ACT Relating to increasing early learning access for children ages three and older; and amending RCW 43.216.512.

Referred to Committee on Appropriations.

SB 5119 by Senators Palumbo, Keiser, Mullet, Wellman, Hunt, Liias, Conway, Frockt, Saldaña and Van De Wege

AN ACT Relating to including highway workers employed on a transportation project by a contractor in the tuition and fee exemption for children and surviving spouses of highway workers; and amending RCW 28B.15.380.

Referred to Committee on College & Workforce Development.

E2SSB 5120 by Senate Committee on Ways & Means (originally sponsored by Palumbo, Darneille, Mullet, Nguyen, Hunt, Saldaña, Lias, Carlyle, Frockt, Hasegawa and Kuderer)

AN ACT Relating to contracting with for-profit correctional facilities for the transfer or placement of offenders; amending RCW 72.68.010 and 72.68.001; reenacting and amending RCW 72.09.050; adding a new section to chapter 72.68 RCW; creating a new section; and repealing RCW 72.68.012.

Referred to Committee on Appropriations.

ESSB 5323 by Senate Committee on Environment, Energy & Technology (originally sponsored by Das, Carlyle, Kuderer, Palumbo, Hunt, Rolfes, Frockt, Keiser, Pedersen and Saldaña)

AN ACT Relating to reducing pollution from plastic bags by establishing minimum state standards for the use of bags at retail establishments; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Appropriations.

SSB 5324 by Senate Committee on Ways & Means (originally sponsored by Frockt, Zeiger, Darneille, Walsh, Kuderer, Palumbo, Das, Hasegawa, Hunt, Wellman, Cleveland, Pedersen, Keiser, Nguyen, McCoy, Van De Wege, Dhingra and Saldaña)

AN ACT Relating to support for students experiencing homelessness; and amending RCW 28A.300.542, 43.185C.340, and 28A.320.142.

Referred to Committee on Appropriations.

E2SSB 5356 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Randall, Das, Saldaña, Darneille, Pedersen, Lias, Nguyen, Cleveland, Dhingra and Hunt)

AN ACT Relating to establishing the Washington state LGBTQ commission; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Appropriations.

2SSB 5376 by Senate Committee on Ways & Means (originally sponsored by Carlyle, Palumbo, Wellman, Mullet, Pedersen, Billig, Hunt, Lias, Rolfes, Saldaña, Hasegawa and Keiser)

AN ACT Relating to the management and oversight of personal data; amending RCW 43.105.369; adding a new section to chapter 9.73 RCW; adding a new chapter

to Title 19 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Appropriations.

ESSB 5383 by Senate Committee on Housing Stability & Affordability (originally sponsored by Zeiger, Palumbo, Nguyen, Short, Van De Wege, Wilson, C., Wilson and L.)

AN ACT Relating to tiny houses; amending RCW 58.17.040, 35.21.684, and 19.27.031; adding a new section to chapter 35.21 RCW; and creating a new section.

Referred to Committee on Local Government.

SSB 5425 by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Keiser, Becker and Hasegawa)

AN ACT Relating to maternal mortality reviews; amending RCW 70.54.450, 70.02.230, and 68.50.104; and repealing 2016 c 238 s 4 (uncodified).

Referred to Committee on Appropriations.

2SSB 5433 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Nguyen, Das, Darneille, Dhingra, Hasegawa, Kuderer and Saldaña)

AN ACT Relating to providing postsecondary education opportunities to enhance public safety; amending 2017 c 120 s 1 (uncodified); creating a new section; and providing an expiration date.

Referred to Committee on Public Safety.

2SSB 5437 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Palumbo, Wellman, Hunt, Saldaña, Nguyen, Randall, Das, Billig, Mullet, Darneille, Dhingra, Hasegawa, Kuderer and Takko)

AN ACT Relating to expanding eligibility to the early childhood education and assistance program; amending RCW 43.216.505, 43.216.556, 43.216.512, 43.216.514, 43.216.080, 43.216.540, and 43.216.550; adding a new section to chapter 43.216 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

E2SSB 5438 by Senate Committee on Ways & Means (originally sponsored by McCoy, Saldaña, Conway, Van De Wege, Keiser, Rolfes, Wellman, Dhingra, Hasegawa and Kuderer)

AN ACT Relating to establishing the office of agricultural and seasonal workforce services within the

employment security department; and adding a new chapter to Title 50 RCW.

Referred to Committee on Appropriations.

ESSB 5485 by Senate Committee on Health & Long Term Care (originally sponsored by Darneille, Cleveland and Conway)

AN ACT Relating to licensure of music therapists; amending RCW 18.130.040 and 18.120.020; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care & Wellness.

SB 5503 by Senators Das, Fortunato and Takko

AN ACT Relating to state board of health rules regarding on-site sewage systems; amending RCW 70.05.074; adding a new section to chapter 43.20 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

2SSB 5511 by Senate Committee on Ways & Means (originally sponsored by Wellman, Sheldon, Carlyle, Short, McCoy, Nguyen, Takko, Cleveland, Darneille, Dhingra, Liias, Mullet, Saldaña and Frockt)

AN ACT Relating to expanding affordable, resilient broadband service to enable economic development, public safety, health care, and education in Washington's communities; amending RCW 54.16.330, 53.08.370, 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, 80.36.690, and 80.36.700; amending 2013 2nd sp.s. c 8 ss 212 and 303 (uncodified); reenacting and amending RCW 43.84.092; adding new sections to chapter 43.330 RCW; adding new sections to chapter 43.155 RCW; creating a new section; repealing RCW 43.330.415, 43.330.418, and 80.36.620; providing expiration dates; and declaring an emergency.

Referred to Committee on Appropriations.

2SSB 5604 by Senate Committee on Ways & Means (originally sponsored by Pedersen, Padden, Conway, Kuderer, Keiser, Salomon, Bailey and Dhingra)

AN ACT Relating to the uniform guardianship, conservatorship, and other protective arrangements act; amending RCW 11.125.080; adding a new chapter to Title 11 RCW; repealing RCW 11.88.005, 11.88.008, 11.88.010, 11.88.020, 11.88.030, 11.88.040, 11.88.045, 11.88.080, 11.88.090, 11.88.093, 11.88.095, 11.88.097, 11.88.100, 11.88.105, 11.88.107, 11.88.110, 11.88.120, 11.88.125, 11.88.127, 11.88.130, 11.88.140, 11.88.150, 11.88.160, 11.88.170, 11.88.900, 11.92.010, 11.92.035, 11.92.040, 11.92.043, 11.92.050, 11.92.053, 11.92.056, 11.92.060, 11.92.090, 11.92.096, 11.92.100, 11.92.110,

11.92.115, 11.92.120, 11.92.125, 11.92.130, 11.92.140, 11.92.150, 11.92.160, 11.92.170, 11.92.180, 11.92.185, 11.92.190, 11.92.195, 26.10.010, 26.10.015, 26.10.020, 26.10.030, 26.10.032, 26.10.034, 26.10.040, 26.10.045, 26.10.050, 26.10.060, 26.10.070, 26.10.080, 26.10.090, 26.10.100, 26.10.110, 26.10.115, 26.10.120, 26.10.130, 26.10.135, 26.10.140, 26.10.150, 26.10.160, 26.10.170, 26.10.180, 26.10.190, 26.10.200, 26.10.210, 26.10.220, and 26.10.910; and providing an effective date.

Referred to Committee on Appropriations.

SSB 5638 by Senate Committee on Environment, Energy & Technology (originally sponsored by Brown, Rivers, Becker and Short)

AN ACT Relating to recognizing the validity of distributed ledger technology; and adding a new chapter to Title 19 RCW.

Referred to Committee on Innovation, Technology & Economic Development.

ESB 5755 by Senators Randall, Hobbs, Wilson and C.

AN ACT Relating to veteran and national guard tuition waivers; and amending RCW 28B.15.621.

Referred to Committee on Appropriations.

2SSB 5774 by Senate Committee on Ways & Means (originally sponsored by Liias, Palumbo, Mullet, Randall, Wellman, Darneille, Conway, Keiser, Kuderer, Nguyen, Wilson and C.)

AN ACT Relating to student debt relief; adding a new section to chapter 19.52 RCW; adding new chapters to Title 28B RCW; creating a new section; and providing expiration dates.

Referred to Committee on Appropriations.

SB 5786 by Senators Brown and Palumbo

AN ACT Relating to administrative efficiencies in research in public institutions of higher education; and amending RCW 42.48.010.

Referred to Committee on College & Workforce Development.

2SSB 5800 by Senate Committee on Ways & Means (originally sponsored by Randall, Zeiger, Nguyen, Wilson, C., Saldaña, Carlyle, Keiser, Sheldon, Das, Hasegawa and Kuderer)

AN ACT Relating to the helping homeless college students act; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28B.77 RCW; and providing expiration dates.

Referred to Committee on Appropriations.

SSB 5815 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Nguyen, Darneille, Wilson, C., Saldaña, Das, Keiser and Kuderer)

AN ACT Relating to individuals placed in minimum security status by the department of children, youth, and families; amending RCW 13.40.205 and 72.05.405; adding a new section to chapter 72.05 RCW; and providing an expiration date.

Referred to Committee on Appropriations.

SSB 5861 by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Dhingra, Rivers, Hunt, Wellman, Hasegawa, Darneille, Saldaña, Cleveland, Conway, Frockt, Keiser, Kuderer, Liias, Palumbo, Randall, Wilson and C.)

AN ACT Relating to extending respectful workplace code of conduct provisions to all members of the legislative community; amending RCW 42.17A.105, 42.17A.600, 42.17A.605, and 42.17A.655; adding a new section to chapter 42.17A RCW; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

2SSB 5873 by Senate Committee on Ways & Means (originally sponsored by Hawkins and Van De Wege)

AN ACT Relating to establishing a community forests pilot project; amending RCW 79.10.030; adding new sections to chapter 79A.25 RCW; and providing expiration dates.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

SB 5881 by Senators King, Hobbs, Takko, Wellman, Saldaña, Rivers, Holy and Keiser

AN ACT Relating to the installation of safety glazing or film suncreening materials; amending RCW 46.37.435; and prescribing penalties.

Referred to Committee on Transportation.

ESB 5887 by Senators Short, Keiser and Nguyen

AN ACT Relating to health carrier requirements for prior authorization standards; and amending RCW 48.43.016.

Referred to Committee on Health Care & Wellness.

SSB 5889 by Senate Committee on Health & Long Term Care (originally sponsored by Dhingra)

AN ACT Relating to insurance communications confidentiality; amending RCW 48.43.005, 48.43.505, 48.43.510, and 48.43.530; adding a new section to chapter 48.43 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

2SSB 5947 by Senate Committee on Ways & Means (originally sponsored by McCoy, Schoesler, Palumbo, King, Salomon and Warnick)

AN ACT Relating to establishing the sustainable farms and fields grant program; and adding new sections to chapter 43.23 RCW.

Referred to Committee on Rural Development, Agriculture, & Natural Resources.

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 SECOND SUBSTITUTE SENATE BILL NO. 5433 which was referred to the Committee on College & Workforce Development.

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

SECOND READING

HOUSE BILL NO. 1099, by Representatives Jinkins, Cody, Tharinger, Robinson and Reeves

Providing notice about network adequacy to consumers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1099 was substituted for House Bill No. 1099 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1099 was read the second time.

Representative Jinkins moved the adoption of the striking amendment (036):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

(1) The commissioner shall amend his or her rules on electronic provider directories to require health carriers to include a notation when any mental health provider or substance abuse provider is closed to new patients.

(2) Beginning January 1, 2020, a health carrier shall prominently post the information listed in (a) through (e) of this subsection on its web site in an easily understandable format and in a manner that any interested party may obtain the information:

(a) Whether the health carrier classifies mental health treatment and substance abuse treatment as primary care or specialty care and the number of business days within which an enrollee must have access to covered mental health treatment services and substance abuse treatment services under network access standards pertaining to primary care or specialty care, as applicable, adopted by the commissioner;

(b) Information on actions an enrollee may take if he or she is unable to access covered mental health treatment services or substance abuse treatment services within the requisite number of business days, including any tools or resources the carrier makes available to enrollees to assist them in finding available providers and information on how to file a complaint with the office of the insurance commissioner;

(c) Any instances where the commissioner has taken disciplinary action against the health carrier for failing to comply with network access standards for covered mental health treatment services or substance abuse treatment services;

(d) A link to the commissioner's report published under subsection (5) of this section; and

(e) Resources for persons who are experiencing a mental health crisis including, but not limited to, information on the national suicide prevention lifeline.

(3) The commissioner shall, by rule, specify a model format for the information required to be posted on a health carrier's web site under subsection (2) of this section.

(4) The commissioner may audit the information a health carrier provides under this section for accuracy.

(5) The commissioner shall annually publish on the commissioner's web site a report on the number of consumer complaints per licensed health carrier the commissioner received in the previous calendar year regarding consumers who were not able to access covered mental health treatment services or substance abuse treatment services within the time limits established by the commissioner for primary care or specialty care.

NEW SECTION. **Sec. 2.** This act may be known and cited as Brennen's law."

Correct the title.

Representatives Jinkins and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (036) was adopted.

The bill was ordered engrossed.

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

Representatives Jinkins and Schmick spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Volz was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1099.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1099, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Excused: Representative Volz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1099, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1523, by Representatives Cody, Macri, Riccelli, Stonier, Tharinger, Ormsby, Davis, Frame, Robinson, Thai, Doglio, Stanford and Valdez

Increasing the availability of quality, affordable health coverage in the individual market.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1523 was substituted for House Bill No. 1523 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1523 was read the second time.

Representative Schmick moved the adoption of amendment (147):

On page 2, beginning on line 12, after "(b)" strike all material through "(d)" on line 27 and insert "A health plan offering a standardized health plan under this section may also offer nonstandardized health plans on the exchange.

(c)"

Representative Cody moved the adoption of amendment (273) to amendment (147):

On page 1, line 2 of the amendment, after "and" strike "insert "A" and insert "insert "(i) A"

On page 1, after line 4 of the amendment, insert the following:

"(ii) The exchange and the office of the insurance commissioner shall analyze the impact to exchange consumers of offering only standard plans beginning in 2025 and submit a report to the appropriate committees of the legislature by December 1, 2023. The report must include an analysis of how plan choice and affordability will be impacted for exchange consumers across the state.

(iii) The actuarial value of nonstandardized silver health plans offered on the exchange may not be less than the actuarial value of the standardized silver health plan with the lowest actuarial value."

Representatives Cody and Schmick spoke in favor of the adoption of the amendment to the amendment.

Amendment (273) to amendment (147) was adopted.

Representatives Schmick and Cody spoke in favor of the adoption of the amendment as amended.

Amendment (147), as amended, was adopted.

Representative Cody moved the adoption of amendment (272):

On page 3, line 17, after "plan" strike "must" and insert "may"

On page 3, line 19, after "appropriate;" strike "and"

On page 3, line 20, after "(e)" insert "The qualified health plan must meet additional participation requirements to reduce barriers to maintaining and improving health and align to state agency value-based purchasing. These requirements may include, but are not limited to, standards for population health management; high-value, proven care; health equity; primary care; care coordination and chronic disease management; wellness and prevention; prevention of wasteful and harmful care; and patient engagement;

(f) To reduce administrative burden and increase transparency, the qualified health plan's utilization review processes must:

(i) Be focused on care that has high variation, high cost, or low evidence of clinical effectiveness;

(ii) Meet national accreditation standards; and

(iii) Align with published criteria published by the authority;

(g) The qualified health plan's medical loss ratio must meet or exceed ninety percent, as determined by the insurance commissioner in the rate review process; and

(h)"

On page 3, beginning on line 28, after "(2)" strike all material through "qualifications" on line 34 and insert "The director, after consultation with the exchange, shall conduct procurement negotiations with health carriers and selectively contract with a health carrier or carriers to offer a qualified health plan or plans that offer the optimal combination of choice, affordability, quality, and service. A health carrier contracting with the authority under this section may offer a qualified health plan or plans in a single county or multiple counties. The goal of the procurement conducted under this section is to have health carriers contracting with the authority under this section offering at least one qualified health plan in every county in the state"

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

Representative Schmick spoke against the adoption of the amendment.

Division was demanded on the adoption of amendment (272) and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 58 - YEAS; 40 - NAYS.

Amendment (272) was adopted.

Representative Caldier moved the adoption of amendment (132):

On page 3, after line 37, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 48.43 RCW to read as follows:

A health carrier shall allow an individual to purchase an individual market health plan offered by the carrier outside of the individual's county of residence if the individual's county of residence is in the same geographic rating area as the health plan he or she is purchasing."

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

Representatives Caldier, Schmick and Dye spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

Amendment (132) was not adopted.

Representative Caldier moved the adoption of amendment (149):

On page 4, line 3, after "than" strike "five" and insert "three"

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

Representative Cody spoke against the adoption of the amendment.

Amendment (149) was not adopted.

Representative Schmick moved the adoption of amendment (145):

On page 4, after line 12, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 48.43 RCW to read as follows:

The commissioner shall submit an annual report to the appropriate committees of the legislature on the effect each state mandated benefit has on the cost of coverage."

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

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

Representative Cody spoke against the adoption of the amendment.

Amendment (145) was not adopted.

Representative Schmick moved the adoption of amendment (146):

On page 4, after line 12, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 48.43 RCW to read as follows:

The commissioner shall submit an annual report to the appropriate committees of the legislature on the number of health plans available per county in the individual market."

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

Representatives Schmick and Cody spoke in favor of the adoption of the amendment.

Amendment (146) was adopted.

Representative Caldier moved the adoption of amendment (252):

On page 4, after line 12, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 74.09 RCW to read as follows:

Medicaid payment for health care services furnished by a licensed health care provider, with either a provider

contract with the authority on a fee-for-service basis or under a contract with a medicaid managed care organization, must be at a rate not less than one hundred percent of the payment rate that applies to those services and providers under medicare."

Renumber the remaining section consecutively and correct any internal references accordingly. Correct the title.

POINT OF ORDER

Representative Stonier requested a ruling on scope and object of amendment (252) to E2SHB 1523.

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): The title of the bill is an act relating to "increasing the availability of quality, affordable health coverage in the individual market." The bill has three major components:

- it requires the Washington Health Benefit Exchange to develop standardized health plans;
- it requires the Health Care Authority to contract with health carriers to offer standardized qualified health plans, and
- it requires the Health Care Authority to develop a plan for premium subsidies for individuals purchasing coverage on the Exchange.

Amendment 252 concerns Medicaid reimbursement rates. There are no provisions in the bill addressing the Medicaid program.

The Speaker therefore finds and rules that the amendment exceeds the scope and object of the bill. The point of order is well taken.

Representative Schmick moved the adoption of the striking amendment (143):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

(1) The commissioner shall establish up to three standardized health plans for each of the bronze, silver, and gold levels.

(2) The standardized health plans must be designed to reduce deductibles, make more services available before the deductible, provide predictable cost sharing, maximize subsidies, limit adverse premium impacts, reduce barriers to maintaining and improving health, and encourage choice based on value, while limiting increases in health plan premium rates.

(3) The silver standardized health plan must have an actuarial value between sixty-eight and seventy percent.

(4) The commissioner may update the standardized health plans annually.

(5) The commissioner must provide a notice and public comment period before finalizing each year's standardized health plans.

(6) The commissioner must provide written notice of the standardized health plans to licensed health carriers by January 31st before the year in which the health plans are to be offered on the exchange.

NEW SECTION. Sec. 2. A new section is added to chapter 43.71 RCW to read as follows:

(1) Beginning January 1, 2021, any health carrier offering a qualified health plan on the exchange must offer one silver standardized health plan and one gold standardized health plan on the exchange. If a health carrier offers a bronze health plan on the exchange, it must offer one bronze standardized health plan on the exchange.

(2) A health carrier offering a standardized health plan under this section may also offer nonstandardized health plans on the exchange subject to the following:

(a) For plan years 2021 and 2022, a health carrier may offer an unlimited number of nonstandardized health plans on the exchange;

(b) For plan years beginning 2023, a health carrier may not offer more than three nonstandardized health plans in each of the bronze, silver, and gold levels on the exchange; and

(c) The actuarial value of nonstandardized silver health plans offered on the exchange may not be less than the actuarial value of the standardized silver health plan.

(3) A health carrier offering a standardized health plan on the exchange under this section must continue to meet all requirements for qualified health plan certification under RCW 43.71.065 including, but not limited to, requirements relating to rate review and network adequacy.

NEW SECTION. Sec. 3. A new section is added to chapter 42.56 RCW to read as follows:

Any data submitted by health carriers to the insurance commissioner for purposes of establishing standardized benefit plans under section 1 of this act are confidential and exempt from disclosure under this chapter.

NEW SECTION. Sec. 4. (1) A legislative task force on health coverage in the individual market is established with members as provided in this subsection.

(a) The president of the senate shall appoint two members from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives.

(c) The governor shall appoint three members representing the health care authority, the commissioner, and the health benefit exchange.

(d) The appointees must have appropriate knowledge and experience regarding health care coverage and financing, or other relevant experience.

(2) Members of the task force must be appointed by August 1, 2019.

(3) The task force shall prepare an analysis to determine the feasibility of a public health insurance plan option to increase competition and choice for health care consumers. The analysis must, at a minimum, include:

(a) An actuarial and economic analysis of a public health insurance plan;

(b) A plan to expand the participation of public health plans, including state-licensed county organized health systems and local plans;

(c) A state-developed public health insurance plan;

(d) A list of necessary federal waivers, if any, for a state-developed public insurance plan;

(e) A discussion of potential funding and state costs for a public health insurance plan; and

(f) An analysis of the extent to which a new public health insurance plan option could address the underlying factors that limit health plan choices in some regions.

(4) When preparing the analysis under subsection (3) of this section, the task force shall consult with key stakeholders, including, but not limited to, advocates, health care providers, and health plans, including county organized health systems and local health plans.

(5) The task force shall submit the feasibility study to the legislature and the governor by October 1, 2020.

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

(9) Nothing in this section authorizes the task force to apply for a waiver under section 1332 of the federal patient protection and affordable care act (P.L. 111-148) as amended by the federal health care and education

reconciliation act of 2010 (P.L. 111-152) or any amendments to, or regulation or guidance issued under, those acts.

(10) This section expires January 1, 2021.

NEW SECTION. Sec. 5. (1) The insurance commissioner shall develop a plan to implement and fund premium subsidies for individuals whose modified adjusted gross incomes are less than five hundred percent of the federal poverty level and who are purchasing individual market coverage on the exchange. The goal of the plan is to enable participating individuals to spend no more than ten percent of their modified adjusted gross incomes on premiums. The plan must also include an assessment of providing cost-sharing reductions to plan participants.

(2) The insurance commissioner must submit the plan, along with proposed implementing legislation, to the appropriate committees of the legislature by November 15, 2020.

(3) This section expires January 1, 2021."

Correct the title.

Representatives Schmick and DeBolt spoke in favor of the adoption of the striking amendment.

Representative Cody spoke against the adoption of the striking amendment.

The striking amendment (143) was not adopted.

Representative Schmick moved the adoption of the striking amendment (144):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

A health carrier shall allow an individual to purchase an individual market health plan offered by the carrier outside of the individual's county of residence if the individual's county of residence is in the same geographic rating area as the health plan he or she is purchasing.

Sec. 2. RCW 48.43.715 and 2013 c 325 s 1 are each amended to read as follows:

(1) Consistent with federal law, the commissioner, in consultation with the board and the health care authority, shall, by rule, select the largest small group plan in the state by enrollment as the benchmark plan for the individual and small group market for purposes of establishing the essential health benefits in Washington state under P.L. 111-148 of 2010, as amended.

(2) If the essential health benefits benchmark plan for the individual and small group market does not include all of the ten benefit categories specified by section 1302 of P.L. 111-148, as amended, the commissioner, in consultation with the board and the health care authority, shall, by rule, supplement the benchmark plan benefits as needed to meet the minimum requirements of section 1302.

(3) A health plan required to offer the essential health benefits, other than a health plan offered through the federal

basic health program or medicaid, under P.L. 111-148 of 2010, as amended, may not be offered in the state unless the commissioner finds that it is substantially equal to the benchmark plan. When making this determination, the commissioner:

(a) Must ensure that the plan covers the ten essential health benefits categories specified in section 1302 of P.L. 111-148 of 2010, as amended;

(b) May consider whether the health plan has a benefit design that would create a risk of biased selection based on health status and whether the health plan contains meaningful scope and level of benefits in each of the ten essential health benefit categories specified by section 1302 of P.L. 111-148 of 2010, as amended;

(c) Notwithstanding the foregoing, for benefit years beginning January 1, 2015, and only to the extent permitted by federal law and guidance, must establish by rule the review and approval requirements and procedures for pediatric oral services when offered in stand-alone dental plans in the nongrandfathered individual and small group markets outside of the exchange; and

(d) Unless prohibited by federal law and guidance, must allow health carriers to also offer pediatric oral services within the health benefit plan in the nongrandfathered individual and small group markets outside of the exchange.

(4) Beginning December 15, 2012, and every year thereafter, the commissioner shall submit to the legislature a list of state-mandated health benefits, the enforcement of which will result in federally imposed costs to the state related to the plans sold through the exchange because the benefits are not included in the essential health benefits designated under federal law. The list must include the anticipated costs to the state of each state-mandated health benefit on the list and any statutory changes needed if funds are not appropriated to defray the state costs for the listed mandate. The commissioner may enforce a mandate on the list for the entire market only if funds are appropriated in an omnibus appropriations act specifically to pay the state portion of the identified costs.

(5) Health benefit plans offered in the individual and small group markets are exempt from all state mandated benefits beyond those required by the federal government as the ten essential health benefits specified in section 1302 of P.L. 111-148 of 2010.

Correct the title.

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

Representative Cody spoke against the adoption of the striking amendment.

The striking amendment (144) was not adopted.

The bill was ordered engrossed.

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

Representatives Cody, Macri, Jinkins, Walen and Riccelli spoke in favor of the passage of the bill.

Representatives Schmick, Dufault, Orcutt, McCaslin, Van Werven, Chambers, DeBolt, Walsh, Vick, Barkis, MacEwen, Maycumber and Wilcox spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1523.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1523, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen and Wylie.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1523, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1607, by Representatives Caldier, Jinkins, Robinson, Macri and Cody

Concerning notice of material changes to the operations or governance structure of participants in the health care marketplace.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1607 was substituted for House Bill No. 1607 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1607 was read the second time.

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

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

Representative Irwin spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1607.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1607, and the bill passed the House by the following vote: Yeas, 63; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Callan, Chandler, Chapman, Chopp, Cody, Corry, Davis, Doglio, Dolan, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Young.

Voting nay: Representatives Barkis, Boehnke, Chambers, DeBolt, Dent, Dufault, Dye, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Orcutt, Rude, Schmick, Shea, Smith, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox and Ybarra.

SUBSTITUTE HOUSE BILL NO. 1607, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1239, by Representatives Cody, Schmick, Macri, Harris, Appleton, Thai, Wylie and Chambers

Protecting the confidentiality of health care quality and peer review discussions to support effective patient safety.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1239 was substituted for House Bill No. 1239 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1239 was read the second time.

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

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1239.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1239, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 1239, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1777, by Representatives Cody, Harris, Macri, Schmick, Vick, Appleton and Robinson

Exempting certain existing ambulatory surgical facilities from certificate of need.

The bill was read the second time.

Representative Cody moved the adoption of amendment (209):

On page 8, beginning on line 15 after "(12)" strike all material through "rooms" on line 28 and insert "(a) An ambulatory surgical facility is exempt from all certificate of need requirements if the facility:

(i) Is an individual or group practice and, if the facility is a group practice, the privilege of using the facility is not extended to physicians outside the group practice;

(ii) Operated or received approval to operate, prior to January 19, 2018; and

(iii) Was exempt from certificate of need requirements prior to January 19, 2018, because the facility either:

(A) Was determined to be exempt from certificate of need requirements pursuant to a determination of reviewability issued by the department; or

(B) Was a single-specialty endoscopy center in existence prior to January 14, 2003, when the department determined that endoscopy procedures were surgeries for purposes of certificate of need.

(b) The exemption under this subsection:

(i) Applies regardless of future changes of ownership, corporate structure, or affiliations of the individual or group practice as long as the use of the facility remains limited to physicians in the group practice; and

(ii) Does not apply to changes in services, specialties, or number of operating rooms"

Representatives Cody and Schmick spoke in favor of the adoption of the amendment.

Amendment (209) was adopted.

The bill was ordered engrossed.

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

Representatives Cody, Schmick and Harris spoke in favor of the passage of the bill.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1777, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

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

HOUSE BILL NO. 1432, by Representatives Cody, DeBolt, Robinson, Harris, Macri, Slatter, Jinkins, Doglio, Tharinger and Ormsby

Concerning hospital privileges for advanced registered nurse practitioners and physician assistants.

The bill was read the second time.

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

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1432.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1432, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

HOUSE BILL NO. 1432, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 1907, by Representatives Davis, Appleton, Doglio, Ryu, Goodman and Jinkins

Concerning the substance use disorder treatment system.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1907 was substituted for House Bill No. 1907 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1907 was read the second time.

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

Representatives Davis, Irwin, Riccelli and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1907.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1907, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1907, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1686, by Representatives Macri, Cody, Robinson, Riccelli, Slatter, Jinkins and Pollet

Concerning hospital access to care policies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1686 was substituted for House Bill No. 1686 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1686 was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1686.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1686, and the bill passed the

House by the following vote: Yeas, 67; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Walen and Wylie.

Voting nay: Representatives Boehnke, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Orcutt, Rude, Shea, Stokesbary, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 1686, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 1686.

Representative Mosbrucker, 14th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 1686.

Representative Sutherland, 39th District

HOUSE BILL NO. 1548, by Representatives Davis, Cody, Harris, Caldier and Appleton

Changing the name of the medical quality assurance commission to the Washington medical commission.

The bill was read the second time.

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

Representatives Davis and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1548.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1548, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representative MacEwen.

HOUSE BILL NO. 1548, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1753, by Representatives Riccelli, Macri and Harris

Requiring a statement of inquiry for rules affecting fees related to health professions.

The bill was read the second time.

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

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1753.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1753, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

HOUSE BILL NO. 1753, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1865, by Representatives Cody, Harris, Pettigrew, Caldier, Tharinger and Thai

Regulating the practice of acupuncture and Eastern medicine.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1865 was substituted for House Bill No. 1865 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1865 was read the second time.

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

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1865.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1865, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representatives Kraft and Santos.

SUBSTITUTE HOUSE BILL NO. 1865, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1415, by Representatives Schmick and Cody

Modifying funding of the medical marijuana authorization database.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1415 was substituted for House Bill No. 1415 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1415 was read the second time.

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

Representatives Schmick and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1415.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1415, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Absent: Representative Fitzgibbon

SUBSTITUTE HOUSE BILL NO. 1415, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE HOUSE BILL NO. 1415 passed the House.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1415 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1415, on reconsideration, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 1415, on reconsideration, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1224, by Representatives Robinson, Macri, Ryu, Peterson, Frame, Tharinger, Bergquist, Gregerson, Jinkins, Ortiz-Self, Lovick, Doglio, Stanford, Appleton, Slatter and Wylie

Concerning prescription drug cost transparency.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1224 was substituted for House Bill No. 1224 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1224 was read the second time.

Representative Robinson moved the adoption of the striking amendment (150):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS. The legislature finds that the state of Washington has substantial public interest in the following:

(1) The price and cost of prescription drugs. Washington state is a major purchaser through the department of corrections, the health care authority, and other entities acting on behalf of a state purchaser;

(2) Enacting this chapter to provide notice and disclosure of information relating to the cost and pricing of prescription drugs in order to provide accountability to the state for prescription drug pricing;

(3) Rising drug costs and consumer ability to access prescription drugs; and

(4) Containing prescription drug costs. It is essential to understand the drivers and impacts of these costs, as transparency is typically the first step toward cost containment and greater consumer access to needed prescription drugs.

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

(1) "Authority" means the health care authority.

(2) "Covered drug" means any prescription drug that:

(a) A covered manufacturer intends to introduce to the market at a wholesale acquisition cost of ten thousand dollars or more for a course of treatment lasting less than one month or a thirty-day supply, whichever period is longer; or

(b) Is currently on the market, is manufactured by a covered manufacturer, and has a wholesale acquisition cost of more than one hundred dollars for a course of treatment lasting less than one month or a thirty-day supply, and the manufacturer increases the wholesale acquisition cost at least sixteen percent, including the proposed increase and the cumulative increase that occurred two calendar years prior to the date of the proposed increase.

(3) "Covered manufacturer" means a person, corporation, or other entity engaged in the manufacture of prescription drugs sold in or into Washington state. "Covered manufacturer" does not include a private label distributor or retail pharmacy that sells a drug under the retail pharmacy's store, or a prescription drug repackager.

(4) "Data organization" means an organization selected by the authority under section 3 of this act to collect and verify prescription drug pricing data.

(5) "Health care provider," "health plan," and "carrier" mean the same as in RCW 48.43.005.

(6) "Pharmacy benefit manager" means the same as in RCW 19.340.010. "Pharmacy benefit manager" does not include a health maintenance organization as defined in RCW 48.46.020.

(7) "Prescription drug" means a drug regulated under chapter 69.41 or 69.50 RCW. It includes generic, brand name, and specialty drugs, as well as biological products.

(8) "Qualifying price increase" means a price increase described in subsection (2)(b) of this section.

(9) "Wholesale acquisition cost" or "price" means, with respect to a prescription drug, the manufacturer's list price for the drug to wholesalers or direct purchasers in the United States, excluding any discounts, rebates, or reductions in price, for the most recent month for which the information is available, as reported in wholesale price guides or other publications of prescription drug pricing.

NEW SECTION. Sec. 3. PROCUREMENT PROCESS. The authority shall use a competitive procurement process in accordance with chapter 39.26 RCW to select a data organization to collect, verify, and summarize the prescription drug pricing data provided by carriers and manufacturers under sections 4 and 5 of this act.

NEW SECTION. Sec. 4. CARRIER REPORTING AND DATA. (1) By March 1st of each year, a carrier must submit to the data organization the following prescription drug cost and utilization data for the previous calendar year:

(a) The twenty-five prescription drugs most frequently prescribed by health care providers participating in the carrier's network;

(b) The twenty-five costliest prescription drugs by total health plan spending, and the carrier's total spending for each of these prescription drugs;

(c) The twenty-five drugs with the highest year-over-year increase in prescription drug spending, and the percentages of the increases for each of these prescription drugs; and

(d) A summary analysis of the impact of prescription drug costs on health plan premiums or on spending per medical assistance enrollee under chapter 74.09 RCW, as applicable, disaggregated by the state medicaid program, public employees' benefits board programs, school employees benefits board programs, and the individual, small group, and large group markets.

(2) An employer-sponsored self-funded health plan or a Taft-Hartley trust health plan may voluntarily provide the data described in subsection (1) of this section to the data organization.

NEW SECTION. Sec. 5. MANUFACTURER REPORTING AND DATA. (1) Beginning October 1, 2019, a covered manufacturer must report the following data for each covered drug to the data organization:

(a) A description of the specific financial and nonfinancial factors used to make the decision to increase the wholesale acquisition cost of the drug and the amount of the increase including, but not limited to, an explanation of how these factors explain the increase in the wholesale acquisition cost of the drug;

(b) A schedule of wholesale acquisition cost increases for the drug for the previous five years if the drug was manufactured by the company;

(c) If the drug was acquired by the manufacturer within the previous five years, all of the following information:

(i) The wholesale acquisition cost of the drug at the time of acquisition and in the calendar year prior to acquisition; and

(ii) The name of the company from which the drug was acquired, the date acquired, and the purchase price;

(d) The year the drug was introduced to market and the wholesale acquisition cost of the drug at the time of introduction;

(e) The patent expiration date of the drug if it is under patent;

(f) If the drug is a multiple source drug, an innovator multiple source drug, a noninnovator multiple source drug, or a single source drug;

(g) The itemized cost for production and sales, including annual manufacturing costs, annual marketing and advertising costs, total research and development costs, total costs of clinical trials and regulation, and total cost for acquisition for the drug; and

(h) The total financial assistance given by the manufacturer through assistance programs, rebates, and coupons.

(2) A covered manufacturer must submit this information:

(a) At least sixty days in advance of a qualifying price increase for a covered drug defined in section 2(2)(b) of this act; and

(b) Within thirty days of release of a new covered drug to the market as defined in section 2(2)(a) of this act.

NEW SECTION. Sec. 6. REPORTING TO PURCHASERS. (1) A covered manufacturer must report the information required by subsection (2) of this section no later than sixty days in advance of a qualifying price increase for a covered drug defined in section 2(2)(b) of this act.

(2)(a) Beginning October 1, 2019, a manufacturer of a covered drug shall notify the purchaser of a qualifying price increase in writing at least sixty days prior to the planned effective date of the increase. The notice must include:

(i) The date of the increase, the current wholesale acquisition cost of the prescription drug, and the dollar amount of the future increase in the wholesale acquisition cost of the prescription drug; and

(ii) A statement regarding whether a change or improvement in the drug necessitates the price increase. If so, the manufacturer shall describe the change or improvement.

(b) If a pharmacy benefit manager receives a notice of an increase in wholesale acquisition cost consistent with (a) of this subsection, it shall notify its large contracting public and private purchasers of the increase. For the purposes of this section, a "large purchaser" means a purchaser that provides coverage to more than five hundred covered lives.

(3) The data submitted under this section must be made publicly available on the authority's web site.

NEW SECTION. Sec. 7. ENFORCEMENT. The authority may assess a fine of up to one thousand dollars per day for failure to comply with the requirements of sections 4, 5, and 6 of this act. The assessment of a fine under this section is subject to review under the administrative procedure act, chapter 34.05 RCW. Fines collected under this section must be deposited in the medicaid fraud penalty account created in RCW 74.09.215. The authority shall report any fines levied pursuant to this section against a health carrier to the office of the insurance commissioner.

NEW SECTION. Sec. 8. DATA REPORT TO AUTHORITY. (1) The data organization must compile the data submitted by carriers under section 4 of this act and manufacturers under section 5 of this act and submit the data to the authority in one report.

(2) The authority shall perform an independent analysis of data submitted by the data organization under sections 4 and 5 of this act, and prepare a final report for the public and legislators synthesizing the data under sections 4 and 5 of this act that demonstrates the overall impact of drug costs on health care premiums. The data in the report must be aggregated and must not reveal information specific to individual health plans.

(3) Beginning January 1, 2020, and by each January 1st thereafter, the authority shall publish the report on its web site.

(4) The authority shall share the information provided by carriers to the organization with the office of the insurance commissioner.

(5) Except for the report, the authority and the office of the insurance commissioner shall keep confidential all of the information provided pursuant to sections 4 and 5 of this act, and the information shall not be subject to public disclosure under chapter 42.56 RCW.

(6) The authority may only use the data reported under this chapter for purposes of analyzing and reporting the data to the public and the legislature. The data may not be used for any other purpose.

(7) The authority must also, using all available claims data from the statewide all-payer health care claims database established in RCW 43.371.020, collect data on drugs prescribed and prescription drug claims submitted to include billed charges and paid charges.

(8) By November 1, 2020, the authority must produce a report for the legislature that includes charts demonstrating the variance in the billed charges and paid charges among carriers for the twenty-five drugs with higher than average variances in billed charges and paid charges based on the data collected in subsection (6) of this section.

NEW SECTION. Sec. 9. RULE MAKING. The authority may adopt any rules necessary to implement the requirements of sections 1 through 8 of this act.

NEW SECTION. Sec. 10. By March 1st of each year, a pharmacy benefit manager must submit to the office of the insurance commissioner the following data from the previous calendar year:

(1) All discounts, including the total dollar amount and percentage discount, and all rebates received from a manufacturer for each drug on the pharmacy benefit manager's formularies;

(2) The total dollar amount of all discounts and rebates that are retained by the pharmacy benefit manager for each drug on the pharmacy benefit manager's formularies;

(3) Actual total reimbursement amounts for each drug the pharmacy benefit manager pays retail pharmacies after all direct and indirect administrative and other fees that have been retrospectively charged to the pharmacies are applied;

(4) The negotiated price health plans pay the pharmacy benefit manager for each drug on the pharmacy benefit manager's formularies;

(5) The amount, terms, and conditions relating to copayments, reimbursement options, and other payments or fees associated with a prescription drug benefit plan;

(6) Disclosure of any ownership interest the pharmacy benefit manager has in a pharmacy or health plan with which it conducts business; and

(7) The results of any appeal filed pursuant to RCW 19.340.100(3).

NEW SECTION. Sec. 11. (1) No later than March 1st of each calendar year, each pharmacy benefit manager must file with the office of the insurance commissioner, in the form and detail as required by the insurance commissioner, a report for the preceding calendar year stating that the pharmacy benefit manager is in compliance with this chapter.

(2) A pharmacy benefit manager has a fiduciary duty to patients and beneficiaries to perform services in accordance with state and federal law, except for health plans covered by the employee retirement income security act of 1974.

(3) An employer-sponsored self-funded health plan or a Taft-Hartley trust health plan may voluntarily provide the data described in subsection (1) of this section.

NEW SECTION. Sec. 12. A pharmacy benefit manager may not cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading.

NEW SECTION. Sec. 13. The office of the insurance commissioner shall have the authority to examine or audit the financial records of a pharmacy benefit manager for purposes of ensuring the information submitted under

section 10 of this act is accurate. Information the office of the insurance commissioner acquires in an examination of financial records pursuant to this section is proprietary and confidential.

NEW SECTION. Sec. 14. (1) The office of the insurance commissioner shall analyze the data submitted by the pharmacy benefit managers under section 10 of this act, and prepare a final report for the public and legislators synthesizing the data under section 10 of this act. The data in the report must be aggregated and must not reveal information specific to individual health plans or pharmacy benefit managers.

(2) Beginning December 1, 2020, and by each December 1st thereafter, the office of the insurance commissioner shall publish the report on its web site.

(3) Except for the report, the office of the insurance commissioner shall keep confidential all of the information provided pursuant to sections 10 and 13 of this act, and the information is not subject to public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 15. The office of the insurance commissioner may assess a fine of up to one thousand dollars per day for a violation or failure to comply with the requirements of sections 10, 11, 12, and 13 of this act. The assessment of a fine under this section is subject to review under the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 16. The insurance commissioner may adopt any rules necessary to implement the requirements of sections 10 through 15 of this act.

Sec. 17. RCW 74.09.215 and 2013 2nd sp.s. c 4 s 1902, 2013 2nd sp.s. c 4 s 997, and 2013 2nd sp.s. c 4 s 995 are each reenacted and amended to read as follows:

The medicaid fraud penalty account is created in the state treasury. All receipts from civil penalties collected under RCW 74.09.210, all receipts received under judgments or settlements that originated under a filing under the federal false claims act, all receipts from fines received pursuant to section 7 of this act, and all receipts received under judgments or settlements that originated under the state medicaid fraud false claims act, chapter 74.66 RCW, must be deposited into the account. Moneys in the account may be spent only after appropriation and must be used only for medicaid services, fraud detection and prevention activities, recovery of improper payments, for other medicaid fraud enforcement activities, and the prescription monitoring program established in chapter 70.225 RCW. For the 2013-2015 fiscal biennium, moneys in the account may be spent on inpatient and outpatient rebasing and conversion to the tenth version of the international classification of diseases. For the 2011-2013 fiscal biennium, moneys in the account may be spent on inpatient and outpatient rebasing.

NEW SECTION. Sec. 18. Sections 1 through 16 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 19. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Schmick moved the adoption of amendment (271) to the striking amendment (150):

On page 2, beginning on line 15 of the striking amendment, after "19.340.010." strike ""Pharmacy benefit manager" does not include a health maintenance organization as defined in RCW 48.46.020."

On page 4, after line 11 of the striking amendment, insert the following:

NEW SECTION. Sec. 6.
PHARMACY BENEFIT MANAGER REPORTING.

Beginning October 1, 2019, and on a yearly basis thereafter, a pharmacy benefit manager must submit to the authority the following prescription drug data for the previous calendar year:

(1) The aggregate dollar amount of all rebates and fees received from pharmaceutical manufacturers for prescription drugs that were covered by the pharmacy benefit manager's issuer clients during the calendar year, and are attributable to patient utilization of such drugs during the calendar year;

(2) The aggregate dollar amount of all rebates and fees received by the pharmacy benefit manager from pharmaceutical manufacturers that are not passed through to the issuer clients; and

(3) The aggregate retained rebate percentage."

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

On page 4, line 38 of the striking amendment, after "5," strike "and 6" and insert "6, and 7"

On page 5, line 9 of the striking amendment, after "4 of this act" strike "and manufacturers under section 5 of this act" and insert ", manufacturers under section 5 of this act, and pharmacy benefit managers under section 6 of this act"

On page 5, line 12 of the striking amendment, after "4" strike "and 5" and insert ", 5, and 6"

On page 5, line 14 of the striking amendment, after "4" strike "and 5" and insert ", 5, and 6"

On page 5, line 25 of the striking amendment, after "4" strike "and 5" and insert ", 5, and 6"

On page 6, after line 2 of the striking amendment, insert the following:

NEW SECTION. Sec. 9. A new section is added to chapter 19.340 RCW to read as follows:

(1) If a pharmacy benefit manager offers a distinct reimbursement to rural pharmacies, it must provide a similar reimbursement to network pharmacies that meet the following conditions:

(a) The pharmacy is an independent pharmacy or is a part of a chain of pharmacies with six or fewer locations;

(b) The pharmacy is farther than a fifteen mile radius from another pharmacy; and

(c) The pharmacy agrees to the terms and conditions of the network as established by the plan.

(2) The insurance commissioner shall have enforcement authority over this section. If the commissioner has cause to believe that any person, corporation, or pharmacy benefit manager is violating this section, the insurance commissioner may:

(a) Issue a civil penalty in the amount of one thousand dollars for each act in violation of this section;

(b) Issue a cease and desist order; and

(c) Bring an action in any court of competent jurisdiction to enjoin the person from continuing the violation or doing any action in furtherance thereof."

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 6, line 4 of the striking amendment, after "through" strike "8" and insert "9"

On page 6, beginning on line 6 of the striking amendment, strike all of sections 10 through 16

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 8, line 24 of the striking amendment, after "through" strike "16" and insert "9 and section 11"

Correct the title.

POINT OF ORDER

Representative Stonier requested a ruling on scope and object ruling on amendment (271) to the striking amendment (150) to E2SHB 1224.

SPEAKER'S RULING

Mr. Speaker (Representative Lovick presiding): The title of the bill is an act relating to "prescription drug cost transparency". The bill strives to increase transparency of prescription drug pricing by requiring the reporting of prescription drug pricing data. It also includes mechanisms to enforce the reporting requirement and requires compliance with state and federal laws related to disclosure of drug pricing information.

In addition to reporting requirements, amendment 271 includes provisions regulating the reimbursement system used by pharmacy benefit managers. Regulation of reimbursement rates paid to specific pharmacies is a separate and distinct issue from the bill's provisions relating to reporting and transparency of drug pricing information.

The Speaker therefore finds and rules that the amendment exceeds the scope and object of the bill. The point of order is well taken.

Representatives Robinson and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (150) was adopted.

The bill was ordered engrossed.

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

Representatives Robinson and DeBolt spoke in favor of the passage of the bill.

Representative Dufault spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1224.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1224, and the bill passed the House by the following vote: Yeas, 80; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Walsh, Wylie, Ybarra and Young.

Voting nay: Representatives Barkis, Chandler, Dufault, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, Rude, Stokesbary, Vick, Volz and Wilcox.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1224, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1564, by Representatives Macri, Schmick, Cody, Tharinger, Jinkins, Kilduff, Appleton and Lekanoff

Concerning the nursing facility medicaid payment system.

The bill was read the second time.

Representative Macri moved the adoption of amendment (040):

On page 8, beginning on line 10, after "shall be" strike all material through "available" on line 13 and insert "one month and one day after the end of the quarter for which the resident assessment data applies"

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

Amendment (040) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1564.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1564, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

ENGROSSED HOUSE BILL NO. 1564, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1856, by Representatives Tharinger, Caldier, Cody, Kloba, Wylie, Corry, Sutherland, Ybarra, Steele, Peterson, Klippert, DeBolt, Stanford, Doglio, Mead, Ryu and Macri

Prohibiting scleral tattooing.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1856 was substituted for House Bill No. 1856 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1856 was read the second time.

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

Representatives Tharinger and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1856.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1856, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie and Ybarra.

Voting nay: Representatives McCaslin, Shea, Walsh and Young.

SUBSTITUTE HOUSE BILL NO. 1856, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1329, by Representatives Kilduff, Harris, Jinkins, Klippert, Valdez, Walen, Tharinger and Leavitt

Concerning the methods of services provided by the office of public guardianship. Revised for 1st Substitute: Concerning methods of services provided by the office of public guardianship.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1329 was substituted for House Bill No. 1329 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1329 was read the second time.

Representative Kilduff moved the adoption of amendment (263):

On page 4, beginning on line 7, after "shall" strike ", within one year of the commencement of its operation, adopt"

and insert "~~((, within one year of the commencement of its operation,))~~ adopt and maintain"

On page 4, beginning on line 35, after "(6)" strike all material through "guardian." on line 38 and insert "~~((The office shall not authorize payment for services for any entity that is serving more than twenty incapacitated persons per certified professional guardian.))~~ The office shall develop and adopt a case-weighting system designed to balance the increasing need for access to guardianship services, while effectively managing public guardian caseloads and providing appropriate supports for individuals on that caseload.

(a) The standard caseload limit for a contract service provider must be no more than twenty incapacitated persons per certified professional guardian. The office may authorize adjustments to the standard caseload limit on a case-by-case basis, and payment for services to a contract service provider that serves more than twenty incapacitated persons per professional guardian is subject to review by the office. In evaluating caseload size, the office shall consider the expected activities, time, and demands involved, as well as the available support for each case.

(b) Caseload limits must not exceed thirty-six cases. The office shall not authorize payment for services for any contract service provider that fails to comply with the standard caseload limit guidelines.

(c) The office shall develop case-weighting guidelines to include a process for adjusting caseload limits, relevant policies and procedures, and recommendations for changes in court rules which may be appropriate for the implementation of the system.

(d) By December 1, 2019, the office must submit to the legislature a report detailing the final case-weighting system and guidelines, and implementation progress and recommendations. The report must be made available to the public.

(e) The administrative office of the courts shall notify the superior courts of the policies contained in the final case-weighting system."

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

Representatives Kilduff and Irwin spoke in favor of the adoption of the amendment.

Amendment (263) was adopted.

The bill was ordered engrossed.

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

Representatives Kilduff and Irwin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1329.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1329, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox and Wylie.

Voting nay: Representatives McCaslin, Shea, Walsh, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1498, by Representatives Hudgins, Dye, Tharinger, Maycumber, DeBolt, Wylie, Orcutt, Chapman, Kloba, Tarleton, Frame, Appleton, Smith, Shewmake, Doglio, Paul, Reeves, Stanford, Valdez, Leavitt, Macri and Steele

Expanding affordable, resilient broadband service to enable economic development, public safety, health care, and education in Washington's communities.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1498 was substituted for House Bill No. 1498 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1498 was read the second time.

With the consent of the house, amendment (142) was withdrawn.

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

Representatives Hudgins, Boehnke, Dye, Paul, Ybarra, Orcutt, Jenkin and Maycumber spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Riccelli, Representative Morris was excused.

On motion of Representative Griffey, Representative Smith was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1498.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1498, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox and Young.

Voting nay: Representative Kraft.

Excused: Representatives Morris and Smith.

THIRD SUBSTITUTE HOUSE BILL NO. 1498, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2049, by Representative Blake

Concerning commercial egg layer operations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2049 was substituted for House Bill No. 2049 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2049 was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2049.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2049, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox and Wylie.

Voting nay: Representatives Klippert, McCaslin, Shea, Sutherland, Ybarra and Young.

Excused: Representatives Morris and Smith.

SUBSTITUTE HOUSE BILL NO. 2049, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1168, by Representatives Leavitt, Barkis, Kilduff, Jinkins, MacEwen, Goodman, Macri, Pollet, Callan, Wylie, Chapman, Valdez, Fey, Doglio and Kloba

Creating sales and use and excise tax exemptions for self-help housing development. Revised for 1st Substitute: Concerning sales and use and excise tax exemptions for self-help housing development.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1168 was substituted for House Bill No. 1168 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1168 was read the second time.

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

Representatives Leavitt and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1168.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1168, and the bill passed the

House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jenkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representative Chandler.

Excused: Representatives Morris and Smith.

SUBSTITUTE HOUSE BILL NO. 1168, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1377, by Representatives Walen, Barkis, Jenkin, Harris, Springer, Macri, Wylie, Ryu, Reeves, Robinson, Griffey, Appleton, Bergquist, Jenkins, Tharinger, Slatter, Kloba, Doglio, Goodman, Leavitt, Ormsby and Santos

Concerning affordable housing development on religious organization property.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1377 was substituted for House Bill No. 1377 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1377 was read the second time.

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

Representatives Walen, Jenkin and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1377.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1377, and the bill passed the House by the following vote: Yeas, 84; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Callan, Chambers, Chapman,

Chopp, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Walsh, Wilcox, Wylie and Ybarra.

Voting nay: Representatives Caldier, Chandler, Dent, Graham, Jenkin, McCaslin, Mosbrucker, Orcutt, Shea, Vick, Volz and Young.

Excused: Representatives Morris and Smith.

SUBSTITUTE HOUSE BILL NO. 1377, having received the necessary constitutional majority, was declared passed.

The House resumed consideration of SECOND SUBSTITUTE HOUSE BILL NO. 1296 on second reading.

SECOND SUBSTITUTE HOUSE BILL NO. 1296, by House Committee on Appropriations (originally sponsored by Macri, Goodman, Appleton, Cody, Thai, Tharinger and Springer)

Concerning continuing care retirement communities.

Representative Macri moved the adoption of amendment (215):

On page 7, line 38, after "ending" strike "after January 1" and insert "on or after December 31"

On page 8, beginning on line 4, after "(B)" strike all material through "amounts" on line 19 and insert "For those cases in which a management company controls a continuing care retirement community, to the extent that it may be ascertained using reasonable, good faith efforts, the following information:

(I) The dollar amount of management fees, paid directly or indirectly from resident funds, including entrance fees, expended by the management company to provide management services and products for the community, and may include a reasonable allocation of amounts spent for multiple continuing care retirement communities or life care contracts;

(II) The dollar amount of management fees paid by the management company to entities controlled by or under common control with the management company to provide management services or products for the continuing care retirement community, including the names of the entities; and

(III) The amount and terms of any outstanding loans from the continuing care retirement community to the management company or any entity controlled by the management company or under common control with the management company"

On page 10, beginning on line 17, after "participate" strike all material through "security" on line 18

and insert "in significant decisions affecting the resident's health, welfare, and financial security. Management retains its decision-making authority as provided in the residency agreement and applicable law"

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

Amendment (215) was adopted.

Representative Schmick moved the adoption of the striking amendment (100):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.390.010 and 2016 c 183 s 1 are each amended to read as follows:

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

(1) "Application fee" means a fee charged to an individual or individuals prior to the execution of a residency agreement, apart from an entrance fee.

(2) "Care" means nursing, medical, or other health-related services, protection or supervision, assistance with activities of daily living, or any combination of those services.

(3) "Continuing care" means directly providing or indirectly making available, upon payment of an entrance fee and under a residency agreement, housing and care for a period of greater than one year.

(4) "Continuing care retirement community" means an entity that agrees to provide continuing care to a resident under a residency agreement. "Continuing care retirement community" does not include an assisted living facility licensed under chapter 18.20 RCW that does not directly, or through a contractual arrangement with a separately owned and incorporated skilled nursing facility, offer or provide services under chapter 74.42 RCW.

(5) "Department" means the department of social and health services.

(6) "Entrance fee" means an initial or deferred transfer to a continuing care retirement community of a sum of money or other property made or promised to be made as full or partial consideration for acceptance of one or more residents in a continuing care retirement community. "Entrance fee" does not include deposits of ten thousand dollars or less or any amount that is based on rental or lease payments of one month or more.

(7) "Prospective resident" means a person who has completed an application for admission to a continuing care retirement community and makes a refundable deposit to reserve a unit, excluding applicable administrative fees.

(8) "Residency agreement" means a contract between a continuing care retirement community and a

resident for the provision of continuing care for a period of greater than one year.

(9) "Resident" means a person who enters into a residency agreement with a continuing care retirement community or who is designated in a residency agreement to be a person being provided with continuing care.

(10) "Actuarial summary" means a management prepared, reasonable summary of a professional conclusion as to the actuarial financial condition of the continuing care retirement community, based on an analysis prepared by an actuarial consultant, or firm, in accordance with commonly accepted actuarial standards of practice issued by the actuarial standards board.

(11) "Independent resident" means a person who is a resident of a continuing care retirement community, but is not living in the assisted living facility component or the nursing facility component of the continuing care retirement community.

(12) "Type A contract" means a care contract that includes housing, residential services, amenities, and unlimited, specific health-related services with periodic payments adjusted for inflation, increases in operating costs, or other methodology-driven adjustments, and typically includes an entrance fee upon entrance. Health-related services provided under the continuing care contract may include an assisted living facility licensed under chapter 18.20 RCW, a nursing home licensed under chapter 18.51 RCW, or in-home services agency licensed pursuant to chapter 70.127 RCW, as established or provided for by the continuing care retirement community.

Sec. 2. RCW 18.390.030 and 2016 c 183 s 3 are each amended to read as follows:

(1) An applicant for a registration as a continuing care retirement community must submit the following materials to the department:

(a) A written application to the department providing all necessary information on a form provided by the department;

(b) Information about the licensed assisted living facility component of the continuing care retirement community and, if the continuing care retirement community operates a nursing home, information about that component;

(c) Copies of any residency agreements that the continuing care retirement community intends to use for the certification period. The agreements must be clear and complete and must detail the mutual expectation and obligation of the residents and the continuing care retirement community;

(d) A copy of the disclosure statement that includes current information required by RCW 18.390.060;

(e)(i) Except as provided in (e)(ii) of this subsection, copies of audited financial statements for the two most recent fiscal years. The audited financial statement for the most current period may not have been prepared more than

eighteen months prior to the date that the continuing care retirement community applied for its current registration;

(ii) If the continuing care retirement community:

(A) Has obtained financing, but has been in operation less than two years, a copy of the audited financial statement for the most current period, if available, and an independent accountant's report opinion letter that has evaluated the financial feasibility of the continuing care retirement community; or

(B) Has not obtained financing, a summary of the actuarial analysis for the new continuing care retirement community stating that the continuing care retirement community is projected to be in satisfactory actuarial balance;

(f) An attestation by a management representative of the continuing care retirement community that the continuing care retirement community is in compliance with the disclosure notification requirements of RCW 18.390.060; (~~and~~)

(g) Payment of any registration fees associated with the department's cost of registering continuing care retirement communities; and

(h)(i) For any applicant for registration as a continuing care retirement community that offers, or intends to offer, type A contracts to its residents, a copy of the most recent actuarial summary.

(ii) The most recent actuarial summary may not have been prepared as of a date more than three years prior to the date when the continuing care retirement community applied for its current registration, except that the preparation date may be extended to no more than five years if the continuing care retirement community's most recent audited financial statement shows an actuarial surplus and if its three most recent audited financial statements show positive operating earnings.

(2) The department shall base its decision to issue a registration on the completeness of the application. If an application is incomplete, the department shall inform the applicant and give the applicant an opportunity to supplement its submission. An applicant may appeal a decision of the department to deny an application for registration.

(3) The department shall issue the registration within sixty days of the receipt of a complete application, payment of fees, submission of disclosures, residency agreements, and the attestation. The department's failure to timely issue a registration may not cause a delay in the change of ownership and ongoing operation of the continuing care retirement community.

(4) Registration is valid for two years.

(5) Registration is not transferable.

(6) Materials submitted pursuant to this section are not subject to disclosure under the public records act, chapter 42.56 RCW.

Sec. 3. RCW 18.390.040 and 2016 c 183 s 4 are each amended to read as follows:

(1) The department shall:

(a) Register an individual or entity that submits a complete application that includes all of the materials required in RCW 18.390.030;

(b) Review the disclosure statements submitted by applicants for an initial or renewal registration to operate a continuing care retirement community for completeness;

(c) Establish and collect a fee that is sufficient to cover the department's costs associated with administering the requirements of this chapter; (~~and~~)

(d) Create and maintain an online listing that is readily available to the public of the names and addresses of continuing care retirement communities that are registered with the department; and

(e) Adopt rules, policies, and standards, pursuant to chapter 34.05 RCW, as necessary to administer this chapter.

(2) The department's registration activities consist of reviewing an application for completeness and do not signify that the department has otherwise issued a certification or license to the continuing care retirement community or any of its component parts.

Sec. 4. RCW 18.390.060 and 2016 c 183 s 6 are each amended to read as follows:

(1) A continuing care retirement community must prepare a disclosure statement that includes the following information:

(a) The names of the individual or individuals who constitute the continuing care retirement community and each of the officers, directors, trustees, or managing general partners of the legal entity and a description of each individual's duties on behalf of the legal entity;

(b) The business address of the continuing care retirement community;

(c) The type of ownership, the names of the continuing care retirement community's owner and operator, and the names of any affiliated facilities;

(d) The names and business addresses of any individual having any more than a ten percent direct or indirect ownership or beneficial interest in the continuing care retirement community, the percentage of the direct or indirect ownership or beneficial interest, and a description of each individual's interest in or occupation with the continuing care retirement community;

(e) The location and general description of the continuing care retirement community, including:

(i) The year the continuing care retirement community opened;

(ii) The location and number of living units, licensed assisted living facility beds, and nursing beds considered part of the continuing care retirement community;

(iii) The average annual occupancy rate for the prior three fiscal years for each type of unit or bed; and

(iv) Any other care facilities owned or operated by the owner of the continuing care retirement community;

(f) An explanation of the continuing care retirement community's policy regarding placement in off-campus assisted living facilities and nursing homes and the payment responsibilities of the continuing care retirement community and the resident in the event of off-campus placement;

(g) The number of residents who were placed off-site in the previous three years for assisted living and nursing services due to the lack of available capacity at the continuing care retirement community;

(h) An explanation of all types of fees charged by the continuing care retirement community, how each type of fee is determined, current ranges for each type of fee, and refund policies for each type of fee;

(i) Statements describing the continuing care retirement community's policy for notifying residents of fee increases, including the amount of prior notification that is provided;

(j) Statements describing the continuing care retirement community's policy related to changes in levels of care and any associated fees;

(k) Statements describing the continuing care retirement community's policy for the termination of a contract, including the return of any fees or deposits pursuant to the residency agreement;

(l) A description of services provided or proposed to be provided by the continuing care retirement community under its residency agreements, including:

(i) The extent to which care, long-term care, or health-related services are provided. If the services are provided at a facility that is not certified as part of the continuing care retirement community's campus, the disclosure statement must identify the location where the services are provided and any additional fees associated with the services; and

(ii) The services made available by the continuing care retirement community for an additional charge; ~~((and))~~

(m)(i) The continuing care retirement community's two most recent annual audited financial statements prepared in accordance with generally accepted accounting principles by a certified public accountant. The most recently audited financial statement may not have been prepared more than eighteen months prior to the date that the continuing care retirement community applied for its current registration; or

(ii) If the continuing care retirement community is new and:

(A) Has obtained financing, but does not have two years of audited financial statements as required under (m)(i) of this subsection, an independent accountant's report opinion letter that has evaluated the financial feasibility of the continuing care retirement community; or

(B) Has not obtained financing, a summary of the actuarial analysis for the new continuing care retirement community stating that the continuing care retirement community is projected to be in satisfactory actuarial balance;

(n) For fiscal years ending after January 1, 2019, sources available to fund probable contingent liabilities, including the refund of entrance fees; and

(o) For any continuing care retirement community that offers type A contracts to its residents, an actuarial summary as to the actuarial financial condition of the continuing care retirement community.

(2) ~~((The))~~ All disclosure statements must be written in understandable language and a clear format.

(3) Prior to entering into a residency agreement with, or accepting an entrance fee from, any prospective resident, a continuing care retirement community must deliver to the prospective resident a copy of the disclosure statements of the continuing care retirement community, as most recently submitted to the department, updated to the date of delivery with information that is material to the prospective resident's decision to become a resident.

Sec. 5. RCW 18.390.070 and 2016 c 183 s 7 are each amended to read as follows:

(1) A prospective resident may visit each of the different care levels of the continuing care retirement community, assisted living facility, and nursing home, and may inspect the most recent inspection reports and findings of complaint investigations related to the assisted living and nursing home components covering a period of not less than two years, as available, prior to signing a residency agreement.

(2) All residents of a continuing care retirement community in a living unit that is not used exclusively for assisted living or nursing services have the following expectations:

(a) Transparency regarding the financial stability of the provider operating the facility;

(b) Timely notifications of developments affecting the facility, including ownership changes of the provider operating the facility, a change in the financial condition of the provider operating the facility, and construction and renovation at the facility. The management of the continuing care retirement community may deem certain information to be confidential if it is of a sensitive nature such that disclosure of the information would materially harm the position of the continuing care retirement community;

(c) Reasonable accommodations for persons with disabilities;

(d) The opportunity to participate freely in the operation of independent residents' organizations and associations and the opportunity for each resident to provide input into significant decisions affecting the resident's health and financial security; however, management retains decision-making authority over all current and future matters that affect the operations and continued viability of the continuing care retirement community;

(e) The opportunity to seek independent counsel review of all contracts, including residency agreements, prior to executing the residency agreement; ~~((and))~~

(f) The assurance that all requests for donations, contributions, and gifts, when made by residents to the continuing care retirement community, are voluntary and may not be used as a condition of residency;

(g) For any residency agreements entered into after December 31, 2019, that provide for refundable entrance fees, the assurance that:

(i) Any refund due to a resident that leaves a unit within a facility must be based upon the entrance fee that the resident provided and not a lesser amount that the facility may receive from a new occupant of that unit;

(ii) Refunds of the entrance fees, or a portion of the entrance fees, shall be available if the resident physically leaves the continuing care retirement community or dies;

(iii) Except as provided in (g)(iv) of this subsection, once five years have passed from the issuance of a certificate of occupancy to a continuing care retirement community, the continuing care retirement community must pay any refunds due to a resident no later than the earlier of (A) two years following the resident's release of control of the unit or death, or (B) when the resident's unit is reoccupied and the resident is no longer living in the continuing care retirement community;

(iv) If the rate of occupancy of persons living in the independent housing units is at or below ninety percent, the refund of the entrance fee that is otherwise payable under (g)(iii) of this subsection must be delayed until the independent housing unit occupancy is above ninety percent of its total capacity; and

(v) The continuing care retirement community shall maintain a current list of vacant units, the dates on which the units became vacant, and the prices at which the units are being offered to prospective residents. A copy of the list must be provided upon request to any current resident of the independent living portion of a continuing care retirement community and any prior resident of the independent living portion of a continuing care retirement community who has not received the full refundable portion of the resident's entrance fees.

(3) The continuing care retirement community shall:

(a) Provide a copy of the expectations specified in this section to each prospective resident prior to signing a residency agreement; ~~((and))~~

(b) Notify independent residents that audited financial statements and, for continuing care retirement

communities that offer Type A contracts, an actuarial summary are available to independent residents within thirty days after the statements and opinion letter are delivered to its chief financial officer; and

(c) ~~((copies))~~ at least one hard copy of the expectations specified in this section publicly available in areas within the facility accessible to the independent residents and visitors. The copies of the expectations must also state that, in addition to all other rights provided by law, independent residents have the right, as an affected party, to file a complaint with the attorney general for violations of this chapter that may constitute a violation of the consumer protection act and contain information explaining how and where a complaint may be filed.

Sec. 6. RCW 18.390.080 and 2016 c 183 s 8 are each amended to read as follows:

(1) The legislature finds that the violation of the title protection requirements of RCW 18.390.050, the failure of a continuing care retirement community to register with the department under RCW 18.390.020, the failure of a continuing care retirement community to comply with the disclosure statement delivery and content requirements under RCW 18.390.060, and the failure of a continuing care retirement community to comply with the resident expectations established under RCW 18.390.070 are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of the title protection requirements under RCW 18.390.050, registration requirement under RCW 18.390.020, the disclosure statement delivery and content requirements under RCW 18.390.060, and the resident expectations requirements under RCW 18.390.070 are not reasonable in relation to the development and preservation of business and are an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(2) The attorney general shall provide notice to the management of the continuing care retirement community of submitted complaints including the name of the complainant to allow the community to take corrective action. Except for violations of the title protection requirements of RCW 18.390.050 and the failure of a continuing care retirement community to register with the department under RCW 18.390.020, the attorney general shall limit its application of the consumer protection act in subsection (1) of this section to those cases in which a pattern of complaints, submitted by affected parties, or other activity that, when considered together, demonstrate a pattern of similar conduct that, without enforcement, likely establishes an unfair or deceptive act in trade or commerce and an unfair method of competition.

(3) The right of independent residents to file complaints pursuant to this section does not preclude or limit other legal remedies or recourse available to a resident under applicable law.

Sec. 7. RCW 18.390.900 and 2016 c 183 s 10 are each amended to read as follows:

(1) The provisions of this chapter apply prospectively to acts and omissions that occur after July 1, 2017.

(2) The specific provisions of this chapter that were added pursuant to this act apply prospectively to acts or omissions that occur after the effective date of this section.

Correct the title.

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

Representative Macri spoke against the adoption of the striking amendment.

The striking amendment (100) was not adopted.

The bill was ordered engrossed.

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

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

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1296.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1296, and the bill passed the House by the following vote: Yeas, 55; Nays, 41; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen and Wylie.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Orwall, Rude, Schmick, Shea, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Morris and Smith.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1296, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1379, by Representatives Pellicciotti, Hudgins, Appleton, Gregerson, Pollet, Macri, Valdez, Kloba, Bergquist, Tarleton, Doglio, Frame, Goodman, Reeves and Fey

Concerning disclosure of contributions from political committees to other political committees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1379 was substituted for House Bill No. 1379 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1379 was read the second time.

With the consent of the House, amendments (015), (270) and (016) were withdrawn.

Representative Pellicciotti moved the adoption of amendment (276):

On page 2, beginning on line 16, strike all of subsection (1) and insert the following:

"(1) For any requirement to include the top five contributors under RCW 42.17A.320 or any other provision of this chapter, the sponsor must identify the five persons or entities making the largest contributions to the sponsor in excess of one thousand dollars reportable under this chapter during the twelve-month period preceding the date on which the advertisement is initially to be published or otherwise presented to the public.

(2) If one or more of the top five contributors identified under subsection (1) of this section is a political committee, the top three contributors to each of those political committees during the same period must then be identified. Of those contributors to political committees, the sponsor must identify the three persons or entities who made the largest contributions in excess of one thousand dollars reportable under this chapter during the same period. The names of those top three persons or entities must be displayed in the advertisement alongside the statement "Top Three Donors to PAC Contributors.""

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

On page 3, line 2, after "section" insert "or the top three donors under subsection (2) of this section"

On page 3, beginning on line 4, after "section" strike all material through "sponsor" on line 6 and insert "that occurs because the persons or entities making the largest contributions to any political committee identified under subsection (1) of this section have not reported those contributions to the commission"

On page 3, line 8, after "of" insert "the"

On page 3, line 9, after "contributors" strike "information requirements" and insert "and top three donors disclaimers"

On page 3, line 38, after "section" strike "2 of this act" and insert "2(1) of this act; and if necessary under section 2(2) of this act, the statement "Top Three Donors to PAC Contributors," followed by a listing of the names of the three persons or entities making the largest contributions to political committees as determined by section 2(2) of this act"

On page 4, beginning on line 34, after "section" strike "2 of this act" and insert "2(1) of this act; and if necessary under section 2(2) of this act, the statement "Top Three Donors to PAC Contributors," followed by a listing of the names of the three persons or entities making the largest contributions to political committees as determined by section 2(2) of this act"

On page 5, beginning on line 9, after "section" strike "2 of this act" and insert "2(1) of this act; and if necessary under section 2(2) of this act, the statement "Top Three Donors to PAC Contributors," followed by a listing of the names of the three persons or entities making the largest contributions to political committees as determined by section 2(2) of this act"

On page 5, beginning on line 15, after "on the" strike all material through "section" on line 16 and insert "~~("Top Five Contributors" consistent with subsections (2), (4), and (5) of this section))~~ top five contributors and top three donors to political committee contributors as required by section 2 of this act"

On page 5, line 19, after "the" strike ""Top Five Contributors" information required by this section" and insert "~~("Top Five Contributors" information required by this section))~~ top five contributors and top three donors to political committee contributors as required by section 2 of this act"

On page 5, beginning on line 22, after "address, and" strike ""Top Five Contributor" information" and insert "~~("Top Five Contributor" information))~~ the top five contributors and top three donors to PAC contributors as required by section 2 of this act"

Representatives Pellicciotti and Stokesbary spoke in favor of the adoption of the amendment.

Amendment (276) was adopted.

The bill was ordered engrossed.

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

Representative Pellicciotti and Pellicciotti (again), spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1379.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1379, and the bill

passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Steele, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra and Young.

Voting nay: Representatives Chandler, McCaslin, Shea, Stokesbary and Wilcox.

Excused: Representatives Morris and Smith.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1667, by Representatives Springer, Walsh, Appleton, Peterson, Smith and Griffey

Concerning public records request administration.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1667 was substituted for House Bill No. 1667 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1667 was read the second time.

Representative Pollet moved the adoption of amendment (138):

On page 4, beginning on line 34, after "(6)" strike all material through "(7)" on line 38

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

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

Amendment (138) was adopted.

The bill was ordered engrossed.

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

Representatives Springer and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1667.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1667, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Excused: Representatives Morris and Smith.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1667, having received the necessary constitutional majority, was declared passed.

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

HOUSE BILL NO. 1026, by Representatives Appleton, Fitzgibbon and Stanford

Concerning breed-based dog regulations.

The bill was read the second time.

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

Representatives Appleton, Goodman, Sutherland, Orcutt and Pollet spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

MOTION

On motion of Representative Riccelli, Representative Orwall was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1026.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1026, and the bill passed the House by the following vote: Yeas, 66; Nays, 29; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Bergquist, Blake, Boehnke, Callan, Chapman, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hansen, Hudgins, Jenkin, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stanford, Steele, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Wylie and Young.

Voting nay: Representatives Barkis, Caldier, Chambers, Chandler, Chopp, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Griffey, Harris, Hoff, Irwin, Klippert, Kraft, Kretz, MacEwen, Macri, Maycumber, Schmick, Stokesbary, Vick, Walsh, Wilcox and Ybarra.

Excused: Representatives Morris, Orwall and Smith.

HOUSE BILL NO. 1026, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 1026.

Representative Stokesbary, 31st District

HOUSE BILL NO. 1676, by Representative MacEwen

Concerning business activities in the liquor licensing process.

The bill was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1676.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1676, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft,

Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Excused: Representatives Morris, Orwall and Smith.

HOUSE BILL NO. 1676, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2038, by Representatives Ramos, Orcutt, Eslick and Fey

Concerning pavement condition reporting requirements.

The bill was read the second time.

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

Representatives Ramos and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2038.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2038, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Excused: Representatives Morris, Orwall and Smith.

HOUSE BILL NO. 2038, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1360, by Representatives Irwin and Fey

Concerning abstracts of driving records.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1360 was substituted for House Bill No. 1360 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1360 was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1360.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1360, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie and Ybarra.

Voting nay: Representative Young.

Excused: Representatives Morris, Orwall and Smith.

SUBSTITUTE HOUSE BILL NO. 1360, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1401, by Representatives Shea, Blake, Chandler, Walsh, Eslick and Kloba

Concerning hemp production.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1401 was substituted for House Bill No. 1401 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1401 was read the second time.

Representative Shea moved the adoption of amendment (157):

On page 2, line 31, after "based on" strike all material through "applied" and insert ":

- (a) ground whole plant samples without heat applied;
- or
- (b) other approved testing methods"

On page 3, beginning on line 23, after "followed." strike all material through "state" on line 27 and insert "The department may regulate the processing of hemp food products that are allowable under federal law to the same extent as the department regulates other food processing under chapters 15.130 and 69.07 RCW. The department may adopt rules as necessary to regulate the processing of hemp for food products, including but not limited to rules establishing standards for creating hemp extracts used for food"

On page 5, line 31, after "zone" insert "without the evaluation of sufficient data showing impacts to either crop as a result of cross-pollination"

On page 20, line 24, after "(2)" strike "No" and insert "Without the evaluation of sufficient data showing impacts to hemp crops or marijuana crops as a result of cross-pollination, no"

Representatives Shea and Stanford spoke in favor of the adoption of the amendment.

Amendment (157) was adopted.

The bill was ordered engrossed.

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

Representatives Shea, Stanford and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1401.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1401, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Paul, Pellicciotti, Peterson, Pettigrew,

Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Excused: Representatives Morris, Orwall and Smith.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1401, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1311, by Representatives Bergquist, Ortiz-Self, Stonier, Dolan, Frame, Paul, Ryu, Sells, Valdez, Lekanoff, Stanford, Leavitt, Thai and Wylie

Concerning college bound scholarship eligible students.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1311 was substituted for House Bill No. 1311 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1311 was read the second time.

With the consent of the House, amendment (257) was withdrawn.

Representative Rude moved the adoption of amendment (261):

On page 2, line 20, after "(3)(a)" strike "To" and insert "Beginning with the 2019-20 academic year, to"

On page 2, line 25, after "least a" strike "C" and insert "((€)) two point five grade point"

On page 3, line 21, after "(b)" insert "For students who signed the college bound scholarship pledge before the 2019-20 academic year:

"

On page 4, after line 9, insert the following:

"(c) For students who signed the college bound scholarship pledge beginning with the 2019-20 academic year:

(i) To receive the Washington college bound scholarship, a student must graduate with at least a two point five grade point average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (e). A student who is eligible to receive the Washington college bound scholarship because the student is a resident student under RCW 28B.15.012(2)(e) must provide the institution, as defined in RCW 28B.15.012, an affidavit indicating that the individual will file an application to become a permanent resident at the

earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses.

(ii) For eligible children as defined in subsection (1)(b) and (c) of this section, to receive the Washington college bound scholarship, a student must have received a high school equivalency certificate as provided in RCW 28B.50.536 or have graduated with at least a two point five grade point average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (e).

For a student who does not meet the two point five grade point average requirement, and who completes fewer than two quarters in the running start program, under chapter 28A.600 RCW, the student's first quarter of running start course grades must be excluded from the student's overall grade point average for purposes of determining their eligibility to receive the scholarship."

Representatives Rude, Irwin, Sutherland, Dye and Riccelli spoke in favor of the adoption of the amendment.

Representative Bergquist spoke against the adoption of the amendment.

Amendment (261) was not adopted.

Representative Van Werven moved the adoption of amendment (300):

On page 2, line 20, after "(3)(a)" strike "To" and insert "Beginning with the 2019-20 academic year, to"

On page 2, line 26, after "no" insert "gross misdemeanor or"

On page 3, line 21, after "(b)" insert "For students who signed the college bound scholarship pledge before the 2019-20 academic year:

"

On page 4, after line 9, insert the following:

"(c) For students who signed the college bound scholarship pledge beginning with the 2019-20 academic year:

(i) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no gross misdemeanor or felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (e). A student who is eligible to receive the Washington college bound scholarship because the student is a resident student under RCW 28B.15.012(2)(e) must provide the institution, as defined in RCW 28B.15.012, an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a

willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses.

(ii) For eligible children as defined in subsection (1)(b) and (c) of this section, to receive the Washington college bound scholarship, a student must have received a high school equivalency certificate as provided in RCW 28B.50.536 or have graduated with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no gross misdemeanor or felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (e).

For a student who does not meet the "C" average requirement, and who completes fewer than two quarters in the running start program, under chapter 28A.600 RCW, the student's first quarter of running start course grades must be excluded from the student's overall grade point average for purposes of determining their eligibility to receive the scholarship."

Representative Van Werven spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (300) was not adopted.

Representative Gildon moved the adoption of amendment (256):

On page 4, after line 9, insert the following:

"(c) For students who sign the college bound scholarship pledge in the 2019-20 academic year or later, to receive the college bound scholarship the student must complete eight hours of community service per academic year, as verified by the student's postsecondary institution."

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

Representative Bergquist spoke against the adoption of the amendment.

Amendment (256) was not adopted.

Representative Bergquist moved the adoption of amendment (248):

On page 7, beginning on line 27, after "income" strike "does not exceed seventy" and insert "exceeds sixty-five"

On page 7, line 28, after "income," insert "but who are eligible for the state need grant,"

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

Amendment (248) was adopted.

The bill was ordered engrossed.

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

Representatives Bergquist and Paul spoke in favor of the passage of the bill.

Representative Van Werven spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1311.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1311, and the bill passed the House by the following vote: Yeas, 66; Nays, 29; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, DeBolt, Dent, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hansen, Harris, Hudgins, Irwin, Jenkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Orcutt, Ormsby, Ortiz-Self, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Steele, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Walen, Wilcox, Wylie and Ybarra.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, Dufault, Dye, Eslick, Gildon, Graham, Griffey, Hoff, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Schmick, Shea, Stokesbary, Van Werven, Vick, Volz, Walsh and Young.

Excused: Representatives Morris, Orwall and Smith.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1311, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1070, by Representatives Mosbrucker, Fitzgibbon, Tharinger and Doglio

Concerning the tax treatment of renewable natural gas.

The bill was read the second time.

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

Representatives Mosbrucker, Tarleton and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1070.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1070, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jenkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Excused: Representatives Morris, Orwall and Smith.

HOUSE BILL NO. 1070, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1251, by Representatives Tarleton, Hudgins and Wylie

Concerning security breaches of election systems or election data including by foreign entities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1251 was substituted for House Bill No. 1251 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1251 was read the second time.

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

Representatives Tarleton, Goehner and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1251.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1251, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Excused: Representatives Morris, Orwall and Smith.

SUBSTITUTE HOUSE BILL NO. 1251, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1813, by Representatives Sullivan, Santos, Ortiz-Self and Ormsby

Incorporating the costs of employee health benefits into school district contracts for pupil transportation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1813 was substituted for House Bill No. 1813 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1813 was read the second time.

Representative Stokesbary moved the adoption of amendment (244):

On page 2, line 14, after "equivalent to the" strike "total employer and employee contribution rate to the" and insert "plans 2 and 3 normal cost employer contribution rate of the"

Representatives Stokesbary and Sullivan spoke in favor of the adoption of the amendment.

Amendment (244) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1813.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1813, and the bill passed the House by the following vote: Yeas, 56; Nays, 39; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen and Wylie.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Steele, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Morris, Orwall and Smith.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5581, by Senate Committee on Ways & Means (originally sponsored by Rolfes, Braun, Carlyle, Keiser and Saldaña)

Improving the effectiveness and adequacy of state tax laws by clarifying and simplifying nexus provisions, by decreasing compliance and administrative burdens for taxpayers and the department of revenue, by facilitating the collection of new tax revenue resulting from the United States supreme court's decision in South Dakota v. Wayfair, Inc., by providing more consistent tax obligations for both domestic and foreign sellers, and by simplifying the expiration of sales tax sourcing mitigation payments to local governments on September 30, 2019.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was adopted. (For Committee amendment, see Journal, Day 46, February 28, 2019).

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

Representatives Riccelli and Tarleton spoke in favor of the passage of the bill.

Representatives Orcutt and Sutherland spoke against the passage of the bill.

MOTION

On motion of Representative Griffey, Representative Eslick was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5581, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5581, as amended by the House, and the bill passed the House by the following vote: Yeas, 58; Nays, 36; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Ormsby, Ortiz-Self, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen and Wylie.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Gildon, Graham, Griffey, Harris, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representatives Eslick, Morris, Orwall and Smith.

SUBSTITUTE SENATE BILL NO. 5581, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute Senate Bill No. 5581.

Representative Klippert, 8th District

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

MESSAGES FROM THE SENATE

March 7, 2019

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO.
5127,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5160,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5311,

ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5432,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5444,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5497,
ENGROSSED SENATE BILL NO. 5573,
ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5720,
ENGROSSED SUBSTITUTE SENATE BILL NO.
5959,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 8, 2019

MR. SPEAKER:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5489,
SUBSTITUTE SENATE BILL NO. 5552,
SUBSTITUTE SENATE BILL NO. 5670,
SUBSTITUTE SENATE BILL NO. 5936,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

SECOND READING

HOUSE BILL NO. 1879, by Representatives Jinkins, Cody, Harris, Macri, DeBolt, Pollet, Robinson, Tharinger and Doglio

Regulating and reporting of utilization management in prescription drug benefits.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1879 was substituted for House Bill No. 1879 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1879 was read the second time.

Representative Jinkins moved the adoption of the striking amendment (221):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

The definitions in this section apply throughout this section and sections 2 and 3 of this act unless the context clearly requires otherwise.

(1) "Clinical practice guidelines" means a systemically developed statement to assist decision making by health care providers and patients about appropriate health care for specific clinical circumstances and conditions.

(2) "Clinical review criteria" means the written screening procedures, decision rules, medical protocols, and practice guidelines used by a health carrier or review organization as an element in the evaluation of medical necessity and appropriateness of requested prescription drugs under the health plan.

(3) "Emergency fill" means a limited dispensed amount of medication that allows time for the processing of prescription drug utilization management.

(4) "Medically appropriate" means health services, supplies, and prescription drugs that under the applicable standard of care are appropriate: (a) To improve or preserve health, life, or function; (b) to slow the deterioration of health, life, or function; or (c) for the early screening, prevention, evaluation, diagnosis, or treatment of a disease, condition, illness, or injury.

(5) "Prescription drug utilization management" means a set of formal techniques used by a health carrier or review organization, that are designed to monitor the use of or evaluate the medical necessity, appropriateness, efficacy, or efficiency of prescription drugs including, but not limited to, prior authorization and step therapy protocol.

(6) "Prior authorization" means a mandatory process that a carrier or its designated or contracted representative requires a provider or facility to follow to determine if a service is a benefit and meets the requirements for medical necessity, clinical appropriateness, level of care, or effectiveness in relation to the applicable plan.

(7) "Step therapy protocol" means a protocol or program that establishes the specific sequence in which prescription drugs for a specified medical condition will be covered by a health carrier.

NEW SECTION. Sec. 2. A new section is added to chapter 48.43 RCW to read as follows:

For health plans delivered, issued for delivery, or renewed on or after January 1, 2021, clinical review criteria used to establish a prescription drug utilization management protocol must be evidence-based and continually updated through review of new evidence, research, and newly developed treatments.

NEW SECTION. Sec. 3. A new section is added to chapter 48.43 RCW to read as follows:

For health plans delivered, issued for delivery, or renewed on or after January 1, 2021:

(1) When coverage of a prescription drug for the treatment of any medical condition is subject to prescription drug utilization management, the patient and prescribing practitioner must have access to a clear, readily accessible, and convenient process to request an exception where the prescription drug utilization management is overridden in favor of coverage of the selected prescription drug of the prescribing health care provider. A health carrier or review organization may use its existing medical exceptions process to satisfy this requirement. The process must be easily accessible on the health carrier or review organization's web site. Approval criteria must be clearly posted on the health carrier or review organization's web site, providing specific information on documentation and other criteria. This information must be in plain language and understandable to providers and patients.

(2) Health carriers must disclose all rules related to the prescription drug utilization management process to all participating providers, including the specific information and documentation that must be submitted in order to be considered a completed exception request.

(3) An exception request must be granted if sufficient evidence is submitted by the provider and patient to establish that:

(a) The required prescription drug is contraindicated or will likely cause a clinically predictable adverse reaction by, or physical or mental harm to, the patient;

(b) The required prescription drug is expected to be ineffective based on the known clinical characteristics of the patient and the known characteristics of the prescription drug regimen;

(c) The patient has tried the required prescription drug while under his or her current or a previous health insurance or health benefit plan, or another prescription drug in the same pharmacologic class or with the same mechanism of action and such prescription drug was discontinued due to lack of efficacy or effectiveness, diminished effect, or an adverse event;

(d) The patient is currently receiving a positive therapeutic outcome on a prescription drug recommended by the patient's provider for the medical condition under consideration while on a current or the immediately preceding health benefit plan; or

(e) The required prescription drug is not in the best interest of the patient, based on documentation of medical appropriateness, because the patient's use of the prescription drug is expected to:

(i) Create a barrier to the patient's adherence to or compliance with the patient's plan of care;

(ii) Negatively impact a comorbid condition of the patient;

(iii) Cause a clinically predictable negative drug interaction; or

(iv) Decrease the patient's ability to achieve or maintain reasonable functional ability in performing daily activities.

(4) Upon the granting of an exception, the health carrier or review organization shall authorize coverage for the prescription drug prescribed by the patient's treating health care provider.

(5)(a) For nonurgent exception requests, the health carrier or review organization must:

(i) Within three business days notify the provider that additional information, as disclosed under subsection (2) of this section, is required in order to approve or deny the exception, if the information provided is not sufficient to approve or deny the request; and

(ii) Within three business days of receipt of sufficient information as disclosed under subsection (2) of this section, approve a request if the information provided meets at least one of the conditions outlined in subsection (3) of this section, or deny a request if the requested service does not meet at least one of the conditions outlined in subsection (3) of this section.

(b) For urgent exception requests, the health carrier or review organization must:

(i) Within one business day notify the provider that additional information, as disclosed under subsection (2) of this section, is required in order to approve or deny the exception, if the information provided is not sufficient to approve or deny the request; and

(ii) Within one business day of receipt of sufficient information as disclosed under subsection (2) of this section, approve a request if the information provided meets at least one of the conditions outlined in subsection (3) of this section, or deny a request if the requested service does not meet at least one of the conditions outlined in subsection (3) of this section.

(c) If a response by a health carrier or review organization is not received within the time allotted, the exception or appeal is deemed granted.

(d) For purposes of this subsection, requests are considered urgent when an enrollee is experiencing a health condition that may seriously jeopardize the enrollee's life, health, or ability to regain maximum function or when an enrollee is undergoing a current course of treatment using a nonformulary drug.

(6) Health carriers must cover an emergency supply fill if the health care provider determines an emergency fill is necessary to keep the patient stable while the exception request is being processed.

(7) When responding to a prescription drug utilization management exception request, a health carrier or review organization shall clearly state in their response if the exception request was approved or denied. The health carrier must use clinical review criteria as outlined in section 2 of this act for the basis of any denial. The denial must include the specific clinical review criteria relied on for the denial and information about any internal and external appeals process for the denial of the prescription drug utilization management exception request. If the exception request from the provider or facility is denied for administrative

reasons, or for not including all the necessary information, the health carrier or review organization must inform the provider or facility what additional information is needed and the deadline for its submission.

(8) The health carrier or review organization must permit a stabilized patient to remain on a drug during an exception or appeals process.

(9) A health carrier must provide sixty days' notice for any new rules that apply to prescription drug utilization management protocols. New health carrier rules or policies may not be applied retroactively.

(10) This section does not prevent:

(a) A health carrier or review organization from requiring a patient to try an AB-rated generic equivalent or a biological product that is an interchangeable biological product prior to providing coverage for the equivalent branded prescription drug;

(b) A health carrier or review organization from denying an exception for a drug that has been removed from the market due to safety concerns from the federal food and drug administration; or

(c) A health care provider from prescribing a prescription drug that is determined to be medically appropriate.

NEW SECTION. Sec. 4. The commissioner shall adopt rules necessary for the implementation of this act."

Correct the title.

Representatives Jenkins and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (221) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1879.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1879, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham,

Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Excused: Representatives Morris, Orwall and Smith.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1879, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1599, by Representatives Stonier, Harris, Dolan, Ortiz-Self, MacEwen, Kilduff, Young, Valdez, Wylie, Volz, Bergquist, Stanford, Tharinger, Lekanoff, Pollet, Slatter and Ormsby

Promoting career and college readiness through modified high school graduation requirements.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1599 was substituted for House Bill No. 1599 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1599 was read the second time.

With the consent of the House, amendments (218), (219) and (280) were withdrawn.

Representative Stonier moved the adoption of the striking amendment (304):

Strike everything after the enacting clause and insert the following:

"PART I

DECOUPLING STATEWIDE ASSESSMENTS FROM GRADUATION REQUIREMENTS AND MAKING OTHER MODIFICATIONS

NEW SECTION. **Sec. 101.** The legislature intends to continue providing students with the opportunity to access a challenging learning environment and a meaningful diploma that supports every student in achieving his or her individualized career and college goals.

In an ongoing effort to create an educational system focused on individualized student learning that is culturally responsive to the needs of our diverse student population, the legislature must provide a system that allows each student to work with his or her teachers, parents or guardians, and

counselors to identify the best ways to demonstrate appropriate readiness in furtherance of the student's career and college goals.

The legislature further recognizes that student-focused graduation pathways must be adaptable and allow students to change pathways as their goals shift. While standardized tests may be a graduation pathway option chosen by some to demonstrate career and college readiness, students should have other rigorous and meaningful pathway options to select from when demonstrating their proficiencies. The legislature, therefore, intends to create a system of multiple graduation pathway options that enable students to support their individual goals for high school and beyond.

Sec. 102. RCW 28A.655.065 and 2017 3rd sp.s. c 31 s 2 are each amended to read as follows:

(1) The legislature has made a commitment to rigorous academic standards for receipt of a high school diploma. The primary way that students will demonstrate that they meet the standards in reading, writing, mathematics, and science is through the statewide student assessment. Only objective assessments that are comparable in rigor to the state assessment are authorized as an alternative assessment. Before seeking an alternative assessment, the legislature expects students to make a genuine effort to meet state standards, through regular and consistent attendance at school and participation in extended learning and other assistance programs.

(2) Under RCW 28A.655.061, beginning in the 2006-07 school year, and concluding with the graduating class of 2019, the superintendent of public instruction shall implement objective alternative assessment methods as provided in this section for students to demonstrate achievement of the state standards in content areas in which the student has not yet met the standard on the high school statewide student assessment. A student may access an alternative if the student meets applicable eligibility criteria in RCW 28A.655.061 and this section and other eligibility criteria established by the superintendent of public instruction, including but not limited to attendance criteria and participation in the remediation or supplemental instruction contained in the student learning plan developed under RCW 28A.655.061. A school district may waive attendance and/or remediation criteria for special, unavoidable circumstances.

(3) For the purposes of this section, "applicant" means a student seeking to use one of the alternative assessment methods in this section.

(4) One alternative assessment method shall be a combination of the applicant's grades in applicable courses and the applicant's highest score on the high school statewide student assessment, as provided in this subsection. A student is eligible to apply for the alternative assessment method under this subsection (4) if the student has a cumulative grade point average of at least 3.2 on a four point grading scale. The superintendent of public instruction shall determine which high school courses are applicable to the

alternative assessment method and shall issue guidelines to school districts.

(a) Using guidelines prepared by the superintendent of public instruction, a school district shall identify the group of students in the same school as the applicant who took the same high school courses as the applicant in the applicable content area. From the group of students identified in this manner, the district shall select the comparison cohort that shall be those students who met or slightly exceeded the state standard on the statewide student assessment.

(b) The district shall compare the applicant's grades in high school courses in the applicable content area to the grades of students in the comparison cohort for the same high school courses. If the applicant's grades are equal to or above the mean grades of the comparison cohort, the applicant shall be deemed to have met the state standard on the alternative assessment.

(c) An applicant may not use the alternative assessment under this subsection (4) if there are fewer than six students in the comparison cohort.

(5) The superintendent of public instruction shall implement:

(a) By June 1, 2006, a process for students to appeal the score they received on the high school assessments;

(b) By January 1, 2007, guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who: (i) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma, or (ii) have special, unavoidable circumstances;

(c)(i) For the graduating classes of 2014, 2015, 2016, 2017, ~~(and)~~ 2018, and 2019, an expedited appeal process for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and the certificate of individual achievement for eligible students who have not met the state standard on the English language arts statewide student assessment, the mathematics high school statewide student assessment, or both. The student or the student's parent, guardian, or principal may initiate an appeal with the district and the district has the authority to determine which appeals are submitted to the superintendent of public instruction for review and approval. The superintendent of public instruction may only approve an appeal if it has been demonstrated that the student has the necessary skills and knowledge to meet the high school graduation standard and that the student has the skills necessary to successfully achieve the college or career goals established in his or her high school and beyond plan. Pathways for demonstrating the necessary skills and knowledge may include, but are not limited to:

(A) Successful completion of a college-level class in the relevant subject area;

(B) Admission to a higher education institution or career preparation program;

(C) Award of a scholarship for higher education; or

(D) Enlistment in a branch of the military.

(ii) A student in the class of 2014, 2015, 2016, or 2017 is eligible for the expedited appeal process in (c)(i) of this subsection if he or she has met all other graduation requirements established by the state and district.

(iii) A student in the class of 2018 is eligible for the expedited appeal process in (c)(i) of this subsection if he or she has met all other graduation requirements established by the state and district and has attempted at least one alternative assessment option as established in ~~((RCW 28A.655.065))~~ this section.

(6) The state board of education shall examine opportunities for additional alternative assessments, including the possible use of one or more standardized norm-referenced student achievement tests and the possible use of the reading, writing, or mathematics portions of the ACT ASSET and ACT COMPASS test instruments as objective alternative assessments for demonstrating that a student has met the state standards for the certificate of academic achievement. The state board shall submit its findings and recommendations to the education committees of the legislature by January 10, 2008.

(7) The superintendent of public instruction shall adopt rules to implement this section.

(8) This section expires August 31, 2022.

Sec. 103. RCW 28A.230.090 and 2018 c 229 s 1 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) Except as provided otherwise in this subsection, 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. The requirement to earn a certificate of academic achievement to qualify for graduation from a public high school concludes with the graduating class of 2019. The obligation of qualifying students to earn a certificate of individual achievement as a prerequisite for graduation from a public high school concludes with the graduating class of 2021.

(c)(i) Each student must have a high school and beyond plan to guide the student's high school experience and ~~((prepare))~~ inform course taking that is aligned with the student's goals for ~~((postsecondary))~~ education or training and career after high school.

(ii)(A) A high school and beyond plan must be initiated for each student during the seventh or eighth grade. In preparation for initiating that plan, each student must first be administered a career interest and skills inventory.

(B) For students with an individualized education program, the high school and beyond plan must be developed in alignment with their individualized education program. The high school and beyond plan must be developed in a similar manner and with similar school personnel as for all other students.

(iii)(A) The high school and beyond plan must be updated to reflect high school assessment results in RCW 28A.655.070(3)(b) and to review transcripts, assess progress toward identified goals, and revised as necessary for changing interests, goals, and needs. The plan must identify available interventions and academic support, courses, or both, that are designed for students who ~~((have not met the high school graduation standard))~~ are not on track to graduate, to enable them to ((meet the standard)) fulfill high school graduation requirements. Each student's high school and beyond plan must be updated to inform junior year course taking.

(B) For students with an individualized education program, the high school and beyond plan must be updated in alignment with their school to postschool transition plan. The high school and beyond plan must be updated in a similar manner and with similar school personnel as for all other students.

(iv) School districts are encouraged to involve parents and guardians in the process of developing and updating the high school and beyond plan, and the plan must be provided to the students' parents or guardians in their native language if that language is one of the two most frequently spoken non-English languages of students in the district. Nothing in this subsection (1)(c)~~((iii))~~ (iv) prevents districts from providing high school and beyond plans to parents and guardians in additional languages that are not required by this subsection.

~~((iv))~~ (v) All high school and beyond plans must, at a minimum, include the following elements:

(A) Identification of career goals, aided by a skills and interest assessment;

(B) Identification of educational goals;

(C) Identification of dual credit programs and the opportunities they create for students, including but not limited to career and technical education programs, running start programs, and college in the high school programs;

(D) Information about the college bound scholarship program established in chapter 28B.118 RCW;

(E) A four-year plan for course taking that:

(I) Includes information about options for satisfying state and local graduation requirements;

(II) Satisfies state and local graduation requirements;

(III) Aligns with the student's secondary and postsecondary goals, which can include education, training, and career;

(IV) Identifies ~~((dual credit programs and the opportunities they create for students))~~ course sequences to inform academic acceleration, as described in RCW 28A.320.195 that include dual credit courses or programs and are aligned with the student's goals; and

(V) Includes information about the college bound scholarship program; ~~((and))~~

(F) Evidence that the student has received the following information on federal and state financial aid programs that help pay for the costs of a postsecondary program;

(I) Information about the documentation necessary for completing the applications; application timeliness and submission deadlines; the importance of submitting applications early; information specific to students who are or have been in foster care; information specific to students who are, or are at risk of being, homeless; information specific to students whose family member or guardians will be required to provide financial and tax information necessary to complete applications; and

(II) Opportunities to participate in sessions that assist students and, when necessary, their family members or guardians, fill out financial aid applications; and

(G) By the end of the twelfth grade, a current resume or activity log that provides a written compilation of the student's education, any work experience, and any community service and how the school district has recognized the community service pursuant to RCW 28A.320.193.

(d) 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. A district may establish additional, local requirements for a high school and beyond plan to serve the needs and interests of its students and the purposes of this section.

(e)(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)(e). The rules must include authorization for a school district to waive up to two credits for individual students based on ~~((unusual))~~ a student's circumstances ((and in accordance with)), provided that none of the waived credits are identified as mandatory core credits by the state board of education. School districts

must adhere to written policies authorizing the waivers 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)(e) to an applying school district at the next subsequent meeting of the board after receiving an application.

(iii) A school district must update the high school and beyond plans for each student who has not earned a score of level 3 or level 4 on the middle school mathematics assessment identified in RCW 28A.655.070 by ninth grade, to ensure that the student takes a mathematics course in both ninth and tenth grades. This course may include career and technical education equivalencies in mathematics adopted pursuant to RCW 28A.230.097.

(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))~~ Unless requested otherwise by the student and ~~((his or her))~~ the student's 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.155.045 and 2007 c 354 s 3 are each amended to read as follows:

Beginning with the graduating class of 2008, and concluding with the graduating class of 2021, students served under this chapter, who are not appropriately ~~((assessed))~~ served by the ~~((high school Washington assessment system as defined in RCW 28A.655.061))~~ graduation pathway options established in section 201 of this act, even with accommodations, may earn a certificate of individual achievement. The certificate may be earned using multiple ~~((ways))~~ measures to demonstrate skills and abilities commensurate with their ~~((individual))~~ individualized education programs. The determination of whether the ~~((high school assessment system is))~~ graduation pathway options established in section 201 of this act or the multiple measures authorized in this section are appropriate shall be made by the student's ~~((individual))~~ individualized education program team. ~~((Except as provided in RCW 28A.655.061,))~~ For ((these)) the students who use the multiple measures authorized by this section, 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 are used,)). The multiple measures ((shall)) that may be used to demonstrate skills and abilities of students under this section must 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))~~ multiple measures to demonstrate skills and abilities under this section are appropriate to use.

~~((When measures other than the high school assessment system as defined in RCW 28A.655.061 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.))~~

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))~~ graduation pathway options established in section 201 of this act.

This section expires August 31, 2024.

Sec. 105. RCW 28A.655.061 and 2017 3rd sp.s. c 31 s 1 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the statewide student assessment, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and, if approved by the legislature pursuant to subsection ~~((4))~~ (9) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessment for each content area.

(2) Subject to the conditions in this section, and concluding with the graduating class of 2019, a certificate of academic achievement shall be obtained and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 ~~((or 28A.655.061))~~, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3)(a) Beginning with the graduating class of 2008 through the graduating class of 2015, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the English language arts and mathematics high school statewide student assessment shall earn a certificate of academic achievement. The mathematics assessment shall be the end-of-course assessment for the first year of high school mathematics that assesses the standards common to algebra I and integrated mathematics I or the end-of-course assessment for the second year of high school mathematics that assesses standards common to geometry and integrated mathematics II.

(b) As the state transitions from reading and writing assessments to an English language arts assessment and from end-of-course assessments to a comprehensive assessment

for high school mathematics, a student in a graduating class of 2016 through 2018 shall earn a certificate of academic achievement if the student meets the high school graduation standard as follows:

(i) Students in the graduating class of 2016 may use the results from:

(A) The reading and writing assessment or the English language arts assessment developed with the multistate consortium; and

(B) The end-of-course assessment for the first year of high school mathematics, the end-of-course assessment for the second year of high school mathematics, or the comprehensive mathematics assessment developed with the multistate consortium.

(ii) Students in the graduating classes of 2017 and 2018 may use the results from:

(A) The tenth grade English language arts assessment developed by the superintendent of public instruction using resources from the multistate consortium or the English language arts assessment developed with the multistate consortium; and

(B) The end-of-course assessment for the first year of high school mathematics, the end-of-course assessment for the second year of high school mathematics, or the comprehensive mathematics assessment developed with the multistate consortium.

(c) Beginning with the graduating class of 2019, a student who meets the high school graduation standard on the high school English language arts assessment developed with the multistate consortium and the comprehensive mathematics assessment developed with the multistate consortium shall earn a certificate of academic achievement.

~~((Beginning with the graduating class of 2020, a student who meets the high school graduation standard on the high school English language arts assessment developed with the multistate consortium and the comprehensive mathematics assessment developed with the multistate consortium to be administered in tenth grade shall earn a certificate of academic achievement.))~~

~~((e))~~ If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area at least twice a year at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection ~~((4))~~ (9) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the statewide student assessment at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

~~(4) ((Beginning with the graduating class of 2021, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the statewide student assessment, a retake, or the objective alternative assessments in order to earn a certificate of academic achievement. The assessment under this subsection must be a comprehensive assessment of the science essential academic learning requirements adopted by the superintendent of public instruction in 2013.~~

~~(5))~~ (5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

~~((6))~~ (6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

~~((7))~~ (6) School districts must make available to students the following options:

(a) To retake the statewide student assessment at least twice a year in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the statewide student assessment at least twice a year in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

~~((8))~~ (7) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

~~((9))~~ (8) Opportunities to retake the assessment at least twice a year shall be available to each school district.

~~((10))~~ (9)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessment and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the SAT or the ACT may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the statewide student assessment. A student's score on the science portion of the ACT or the science subject area tests of the SAT may be used as an objective alternative assessment under this section as soon as the state board of education determines that sufficient data is available to identify reliable equivalent scores for the science content area of the statewide student assessment. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the statewide student assessment. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the statewide student assessment; and for the English language arts portion of the assessment developed with the multistate consortium, once established in the 2014-15 school year. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the statewide student assessment; and for the English language arts portion of the assessment developed with the multistate consortium, once established in the 2014-15 school year. A score of three on the AP examination in biology, physics, chemistry, or environmental science may be used as an alternative assessment for the science portion of the statewide student assessment.

(iii) A student who scores at least a four on selected externally administered international baccalaureate (IB) examinations may use the score as an objective alternative assessment under this section for demonstrating that the student has met or exceeded state standards for the certificate of academic achievement. A score of four on the higher level IB examinations for any of the IB English language and literature courses or for any of the IB individuals and societies courses may be used as an alternative assessment for the reading, writing, or English language arts portions of the statewide student assessment. A score of four on the higher level IB examinations for any of the IB mathematics courses may be used as an alternative assessment for the mathematics portion of the statewide student assessment. A score of four on the higher level IB examinations for IB biology, chemistry, or physics may be used as an alternative

assessment for the science portion of the statewide student assessment.

(iv)(A) (~~(Beginning)~~) In the 2018-19 school year, high school students who have not earned a certificate of academic achievement due to not meeting the high school graduation standard on the mathematics or English language arts assessment may take and pass a locally determined course in the content area in which the student was not successful, and may use the passing score on a locally administered assessment tied to that course and approved under the provisions of this subsection (~~((10))~~) (9)(b)(iv), as an objective alternative assessment for demonstrating that the student has met or exceeded the high school graduation standard. High school transition courses and the assessments offered in association with high school transition courses shall be considered an approved locally determined course and assessment for demonstrating that the student met or exceeded the high school graduation standard. The course must be rigorous and consistent with the student's educational and career goals identified in his or her high school and beyond plan, and may include career and technical education equivalencies in English language arts or mathematics adopted pursuant to RCW 28A.230.097. School districts shall record students' participation in locally determined courses under this section in the statewide individual data system.

(B) The office of the superintendent of public instruction shall develop a process by which local school districts can submit assessments for review and approval for use as objective alternative assessments for graduation as allowed by (b)(iv) of this subsection. This process shall establish means to determine whether a local school district-administered assessment is comparable in rigor to the skills and knowledge that the student must demonstrate on the statewide student assessment and is objective in its determination of student achievement of the state standards. The office of the superintendent of public instruction shall post on its agency web site a compiled list of local school district-administered assessments approved as objective alternative assessments, including the comparable scores on these assessments necessary to meet the standard.

(C) For the purpose of this section, "high school transition course" means an English language arts or mathematics course offered in high school where successful completion by a high school student ensures the student college-level placement at participating institutions of higher education as defined in RCW 28B.10.016. High school transition courses must, in accordance with this section, satisfy core or elective credit graduation requirements established by the state board of education. A student's successful completion of a high school transition course does not entitle the student to be admitted to any institution of higher education as defined in RCW 28B.10.016.

(v) A student who completes a dual credit course in English language arts or mathematics in which the student earns college credit may use passage of the course as an objective alternative assessment under this section for demonstrating that the student has met or exceeded the high

school graduation standard for the certificate of academic achievement.

~~((11))~~ (10) 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 shall:

(a) Provide students who have not earned a certificate of academic achievement before the beginning of grade eleven with the opportunity to access interventions and academic supports, courses, or both, designed to enable students to meet the high school graduation standard. These interventions, supports, or courses must be rigorous and consistent with the student's educational and career goals identified in his or her high school and beyond plan, and may include career and technical education equivalencies in English language arts or mathematics adopted pursuant to RCW 28A.230.097; and

(b) Prepare student learning plans and notify students and their parents or legal guardians as provided in this subsection. 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 shall 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 shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

(i) The student's results on the state assessment;

(ii) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;

(iii) Any credit deficiencies;

(iv) The student's attendance rates over the previous two years;

(v) The student's progress toward meeting state and local graduation requirements;

(vi) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;

(vii) 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;

(viii) The alternative assessment options available to students under this section and RCW 28A.655.065;

(ix) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and

(x) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.

(11) This section expires August 31, 2022.

Sec. 106. 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. 107. 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.))~~ 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. 108. RCW 28A.195.010 and 2018 c 177 s 201 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.

The administrative or executive authority of private schools or private school districts shall file each year with the state board of education a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. The state board of education may request clarification or additional information. After review of the statement, the state board of education will notify schools or school districts of any concerns, deficiencies, and deviations which must be corrected. If there are any unresolved concerns, deficiencies, or deviations, the school or school district may request or the state board of education on its own initiative 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))~~ learn the ~~((essential academic))~~ state learning ~~((requirements))~~ standards, 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))~~ learn these ~~((essential academic))~~ state learning ~~((requirements,))~~ standards or 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 state board of education 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 certificated under chapter 28A.410 RCW;

(b) The planning by the certificated 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 certificated 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 certificated person; and

(e) The certificated 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. 109. 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, ~~((master))~~ learn the ~~((essential academic))~~ state learning ~~((requirements))~~ standards, ~~((to))~~ or 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))~~ under RCW 28A.655.070. 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. 110. 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 met the requirements of the graduation pathway option established in section 201(1)(b)(iv) of this act and 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. 111. 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. 112. RCW 28A.305.130 and 2017 3rd sp.s. c 31 s 3 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)~~(A)~~ Identify the scores students must achieve in order to meet the standard on the statewide student assessment, and the SAT or the ACT if used to demonstrate career and college readiness under section 201 of this act. The board shall also determine student scores that identify levels of student performance below and beyond the standard. 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;

(B) To permit the legislature to take any statutory action it deems warranted before modified or newly established scores are implemented, the board shall notify the education committees of the house of representatives and the senate of any scores that are modified or established under (b)(i)(A) of this subsection on or after July 28, 2019. The notifications required by this subsection (4)(b)(i)(B) must be provided by November 30th of the year preceding the beginning of the school year in which the modified or established scores will take effect;

(ii)~~((A))~~ The legislature intends to continue the implementation of chapter 22, Laws of 2013~~(5)~~ 2nd sp. sess. when the legislature expressed the intent for the state board of education to identify the student performance standard that demonstrates a student's career and college readiness for the eleventh grade consortium-developed assessments. Therefore, by December 1, 2018, the state board of education, in consultation with the superintendent of public instruction, must identify and report to the

governor and the education policy and fiscal committees of the legislature on the equivalent student performance standard that a tenth grade student would need to achieve on the state assessments to be on track to be career and college ready at the end of the student's high school experience;

~~((B) Nothing in this section prohibits the state board of education from identifying a college and career readiness score that is different from the score required for high school graduation purposes;))~~

(iii) The legislature shall be advised of the initial performance standards and any changes made to the elementary, middle, and high 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) Accredite, 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. 113. RCW 28A.320.190 and 2009 c 578 s 2 are each amended to read as follows:

(1) The extended learning opportunities program is created for eligible eleventh and twelfth grade students who are not on track to meet local or state graduation requirements as well as eighth grade students who need additional assistance in order to have the opportunity for a successful entry into high school. The program shall provide early notification of graduation status and information on education opportunities including preapprenticeship programs that are available.

(2) Under the extended learning opportunities program and to the extent funds are available for that purpose, districts shall make available to students in grade twelve who have failed to meet one or more local or state graduation requirements the option of continuing enrollment in the school district in accordance with RCW 28A.225.160. Districts are authorized to use basic education program funding to provide instruction to eligible students under RCW 28A.150.220~~((3))~~(5).

(3) Under the extended learning opportunities program, instructional services for eligible students can occur during the regular school day, evenings, on weekends, or at a time and location deemed appropriate by the school district, including the educational service district, in order to meet the needs of these students. Instructional services provided under this section do not include services offered at private schools. Instructional services can include, but are not limited to, the following:

(a) Individual or small group instruction;

~~(b) ((Instruction in English language arts and/or mathematics that eligible students need to pass all or part of the Washington assessment of student learning;~~

~~(c))~~ Attendance in a public high school or public alternative school classes or at a skill center;

~~((d))~~ (c) Inclusion in remediation programs, including summer school;

~~((e))~~ (d) Language development instruction for English language learners;

~~((f))~~ (e) Online curriculum and instructional support, including programs for credit retrieval and ~~((Washington))~~ statewide student assessment ~~((of student learning))~~ preparatory classes; and

~~((g))~~ (f) Reading improvement specialists available at the educational service districts to serve eighth, eleventh, and twelfth grade educators through professional development in accordance with RCW 28A.415.350. The reading improvement specialist may also provide direct services to eligible students and those students electing to

continue a fifth year in a high school program who are still struggling with basic reading skills.

Sec. 114. 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;~~

~~(e))~~ 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.

Sec. 115. 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))~~ learn the ~~((essential academic))~~ state learning ~~((requirements))~~ standards. 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.

Sec. 116. RCW 28A.700.080 and 2008 c 170 s 301 are each amended to read as follows:

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall develop and conduct an ongoing campaign for career and technical education to increase awareness among teachers, counselors, students, parents, principals, school administrators, and the general public about the opportunities offered by rigorous career and technical education programs. Messages in the campaign shall emphasize career and technical education as a high quality educational pathway for students, including for students who seek advanced education that includes a bachelor's degree or beyond. In particular, the office shall provide information about the following:

(a) The model career and technical education programs of study developed under RCW 28A.700.060;

(b) Career and technical education course equivalencies and dual credit for high school and college;

(c) ~~(The career and technical education alternative assessment guidelines under RCW 28A.655.065;~~

~~(d))~~ The availability of scholarships for postsecondary workforce education, including the Washington award for vocational excellence, and apprenticeships through the opportunity grant program under RCW 28B.50.271, grants under RCW 28A.700.090, and other programs; and

~~((e))~~ (d) Education, apprenticeship, and career opportunities in emerging and high-demand programs.

(2) The office shall use multiple strategies in the campaign depending on available funds, including developing an interactive web site to encourage and facilitate career exploration; conducting training and orientation for guidance counselors and teachers; and developing and disseminating printed materials.

(3) The office shall seek advice, participation, and financial assistance from the workforce training and education coordinating board, higher education institutions, foundations, employers, apprenticeship and training councils, workforce development councils, and business and labor organizations for the campaign.

Sec. 117. 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. 118. RCW 28A.655.068 and 2017 3rd sp.s. c 31 s 6 are each amended to read as follows:

(1) ~~((Beginning in the 2011-12 school year,))~~ The statewide high school assessment in science shall be ~~((an end-of-course))~~ a comprehensive assessment ~~((for biology))~~ that measures the state standards for the application of science and engineering practices, disciplinary core ideas, and crosscutting concepts in the domains of physical sciences, life sciences, (in addition to systems, inquiry, and application as they pertain to life sciences)) Earth and space sciences, and engineering design.

~~(2)((a) The superintendent of public instruction may develop or adopt science end-of-course assessments or a comprehensive science assessment that includes subjects in addition to biology for purposes of RCW 28A.655.061, when so directed by the legislature. The legislature intends to transition from a biology end-of-course assessment to a more comprehensive science assessment in a manner consistent with the way in which the state transitioned to an English language arts assessment and a comprehensive mathematics assessment. The legislature further intends that the transition will include at least two years of using the student assessment results from either the biology end-of-course assessment or the more comprehensive assessment in order to provide students with reasonable opportunities to demonstrate high school competencies while being mindful of the increasing rigor of the new assessment.~~

~~(b))~~ The superintendent of public instruction shall develop or adopt a science assessment in accordance with RCW 28A.655.070(10) that is not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

~~((c) Before the next subsequent school year after the legislature directs the superintendent to develop or adopt a new science assessment, the superintendent of public instruction shall review the objective alternative assessments for the science assessment and make recommendations to the legislature regarding additional objective alternatives, if any-))~~

(3) The superintendent of public instruction may participate with consortia of multiple states as common student learning standards and assessments in science are developed. The superintendent of public instruction, in consultation with the state board of education, may modify

the ~~((essential-academic))~~ state learning ((requirements)) standards and statewide student assessments in science, including the high school assessment, according to the multistate common student learning standards and assessments as long as the education committees of the legislature have opportunities for review before the modifications are adopted, as provided under RCW 28A.655.070.

(4) The statewide high school assessment under this section shall be used to demonstrate that a student meets the state standards in the science content area of the statewide student assessment until a comprehensive science assessment is required under RCW 28A.655.061.

Sec. 119. RCW 28A.655.070 and 2018 c 177 s 401 are each amended to read as follows:

(1) The superintendent of public instruction shall develop ~~((essential-academic))~~ state learning ((requirements)) standards 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))~~ state learning ((requirements)) standards, 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))~~ state learning ((requirements)) standards; and

(b) Review and prioritize the ~~((essential-academic))~~ state learning ((requirements)) standards 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))~~ state learning ((requirements)) standards 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, and beginning with the graduating class of 2020, the assessments must be administered to students in the tenth grade. 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.655.064))~~ federal and state accountability 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.)~~

(d) The statewide academic assessment system must also include the Washington access to instruction and measurement assessment for students with significant cognitive challenges.

(4) If the superintendent proposes any modification to the ~~((essential—academic))~~ state learning ((requirements)) standards 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))~~ state learning ((requirements)) standards 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))~~ state learning ((requirements)) standards 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))~~ state learning ((requirements)) standards and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the ~~((essential—academic))~~ state learning ((requirements)) standards, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall review available and appropriate options for competency-based assessments that meet the ~~((essential—academic))~~ state learning ((requirements)) standards. In accordance with the review required by this subsection, the superintendent shall provide a report and recommendations to the education committees of the house of representatives and the senate by November 1, 2019.

(12) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(13) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(14) 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.

(15) The superintendent shall integrate financial education skills and content knowledge into the state learning standards pursuant to RCW 28A.300.460(2)(d).

(16)(a) The superintendent shall notify the state board of education in writing before initiating the development or revision of the ~~((essential academic))~~ state learning ((requirements)) standards under subsections (1) and (2) of this section. The notification must be provided to the state board of education in advance for review at a regularly scheduled or special board meeting and must include the following information:

(i) The subject matter of the ~~((essential academic))~~ state learning ((requirements)) standards;

(ii) The reason or reasons the superintendent is initiating the development or revision; and

(iii) The process and timeline that the superintendent intends to follow for the development or revision.

(b) The state board of education may provide a response to the superintendent's notification for consideration in the development or revision process in (a) of this subsection.

(c) Prior to adoption by the superintendent of any new or revised ~~((essential academic))~~ state learning ((requirements)) standards, the superintendent shall submit the proposed new or revised ~~((essential academic))~~ state learning ((requirements)) standards to the state board of education in advance in writing for review at a regularly scheduled or special board meeting. The state board of education may provide a response to the superintendent's proposal for consideration prior to final adoption.

(17) The state board of education may propose new or revised ~~((essential academic))~~ state learning ((requirements)) standards to the superintendent. The superintendent must respond to the state board of education's proposal in writing.

Sec. 120. RCW 28A.655.090 and 2008 c 165 s 3 are each amended to read as follows:

(1) By September 10, 1998, and by September 10th each year thereafter, the superintendent of public instruction shall report to schools, school districts, and the legislature on the results of the ~~((Washington assessment of student learning and state mandated norm-referenced standardized tests))~~ statewide student assessment.

(2) The reports shall include the assessment results by school and school district, and include changes over time. For the ~~((Washington assessment of student learning))~~ statewide student assessment, results shall be reported as follows:

(a) The percentage of students meeting the standards;

(b) The percentage of students performing at each level of the assessment;

(c) Disaggregation of results by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, transitional bilingual, migrant, special education, and, beginning with the 2009-10 school year, students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794); and

(d) A learning improvement index that shows changes in student performance within the different levels of student learning reported on the ~~((Washington assessment of student learning))~~ statewide student assessment.

(3) The reports shall contain data regarding the different characteristics of schools, such as poverty levels, percent of English as a second language students, dropout rates, attendance, percent of students in special education, and student mobility so that districts and schools can learn from the improvement efforts of other schools and districts with similar characteristics.

(4) The reports shall contain student scores on mandated tests by comparable Washington schools of similar characteristics.

(5) The reports shall contain information on public school choice options available to students, including vocational education.

(6) The reports shall be posted on the superintendent of public instruction's internet web site.

(7) To protect the privacy of students, the results of schools and districts that test fewer than ten students in a grade level shall not be reported. In addition, in order to ensure that results are reported accurately, the superintendent of public instruction shall maintain the confidentiality of statewide data files until the superintendent determines that the data are complete and accurate.

(8) The superintendent of public instruction shall monitor the percentage and number of special education and limited English-proficient students exempted from taking the assessments by schools and school districts to ensure the exemptions are in compliance with exemption guidelines.

Sec. 121. RCW 28A.655.200 and 2009 c 539 s 1 are each amended to read as follows:

(1) The legislature intends to permit school districts to offer norm-referenced assessments, make diagnostic tools available to school districts, and provide funding for diagnostic assessments to enhance student learning at all grade levels and provide early intervention before the high school ~~((Washington assessment of student learning))~~ statewide student assessment.

(2) In addition to the diagnostic assessments provided under this section, school districts may, at their own expense, administer norm-referenced assessments to students.

(3) Subject to the availability of amounts appropriated for this purpose, the office of the superintendent of public instruction shall post on its web site for voluntary use by school districts, a guide of diagnostic assessments. The assessments in the guide, to the extent possible, shall include the characteristics listed in subsection (4) of this section.

(4) Subject to the availability of amounts appropriated for this purpose, beginning September 1, 2007, the office of the superintendent of public instruction shall make diagnostic assessments in reading, writing, mathematics, and science in elementary, middle, and high school grades available to school districts. Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall also provide funding to school districts for administration of diagnostic assessments to help improve student learning, identify academic weaknesses, enhance student planning and guidance, and develop targeted instructional strategies to assist students before the high school (~~Washington assessment of student learning~~) statewide student assessment. To the greatest extent possible, the assessments shall be:

- (a) Aligned to the state's grade level expectations;
- (b) Individualized to each student's performance level;
- (c) Administered efficiently to provide results either immediately or within two weeks;
- (d) Capable of measuring individual student growth over time and allowing student progress to be compared to other students across the country;
- (e) Readily available to parents; and
- (f) Cost-effective.

(5) The office of the superintendent of public instruction shall offer training at statewide and regional staff development activities in:

- (a) The interpretation of diagnostic assessments; and
- (b) Application of instructional strategies that will increase student learning based on diagnostic assessment data.

PART II

GRADUATION PATHWAY OPTIONS FOR THE GRADUATING CLASS OF 2020 AND SUBSEQUENT CLASSES

NEW SECTION. **Sec. 201.** A new section is added to chapter 28A.655 RCW to read as follows:

(1)(a) Beginning with the class of 2020, graduation from a public high school and the earning of a high school diploma must include the following:

(i) Satisfying the graduation requirements established by the state board of education under RCW

28A.230.090 and any graduation requirements established by the applicable public high school or school district;

(ii) Satisfying credit requirements for graduation;

(iii) Demonstrating career and college readiness through completion of the high school and beyond plan as required by RCW 28A.230.090; and

(iv) Meeting the requirements of at least one graduation pathway option established in this section. The pathway options established in this section are intended to provide a student with multiple pathways to graduating with a meaningful high school diploma that are tailored to the goals of the student. A student may choose to pursue one or more of the pathway options under (b) of this subsection, but any pathway option used by a student to demonstrate career and college readiness must be in alignment with the student's high school and beyond plan.

(b) The following graduation pathway options may be used to demonstrate career and college readiness in accordance with (a)(iv) of this subsection:

(i) Meet or exceed the graduation standard established by the state board of education under RCW 28A.305.130 on the statewide high school assessments in English language arts and mathematics as provided for under RCW 28A.655.070;

(ii) Complete and qualify for college credit in dual credit courses in English language arts and mathematics. For the purposes of this subsection, "dual credit course" means a course in which a student qualifies for college and high school credit in English language arts or mathematics upon successfully completing the course;

(iii) Earn high school credit in a high school transition course in English language arts and mathematics, an example of which includes a bridge to college course. For the purposes of this subsection (1)(b)(iii), "high school transition course" means an English language arts or mathematics course offered in high school where successful completion by a high school student ensures the student college-level placement at participating institutions of higher education as defined in RCW 28B.10.016. High school transition courses must satisfy core or elective credit graduation requirements established by the state board of education. A student's successful completion of a high school transition course does not entitle the student to be admitted to an institution of higher education as defined in RCW 28B.10.016;

(iv) Earn high school credit, with a C+ grade or equivalent, in AP, international baccalaureate, or Cambridge international courses in English language arts and mathematics. For English language arts, successfully completing any of the following courses meets the standard: AP English language and composition; macroeconomics; microeconomics; psychology; United States history; world history; United States government and politics; comparative government and politics; and any of the international baccalaureate individuals and societies courses. For mathematics, successfully completing any of the following

courses meets the standard: AP statistics or calculus; and any of the international baccalaureate mathematics courses;

(v) Meet or exceed the scores established by the state board of education for the mathematics portion and the reading, English, or writing portion of the SAT or ACT;

(vi) Meet any combination of at least one English language arts option and at least one mathematics option established in (b)(i) through (v) of this subsection (1);

(vii) Meet standard in the armed services vocational aptitude battery; and

(viii) Complete a sequence of career and technical education courses, including those leading to workforce entry, state or nationally approved apprenticeships, or postsecondary education, that meet the minimum criteria identified in RCW 28A.700.030. Nothing in this subsection (1)(b)(viii) requires a student to enroll in a preparatory course that is approved under RCW 28A.700.030 for the purposes of demonstrating career and college readiness under this section.

(2) While the legislature encourages school districts to make all pathway options established in this section available to their high school students, and to expand their pathway options until that goal is met, school districts have discretion in determining which pathway options under this section they will offer to students.

(3) The state board of education shall adopt rules to implement the graduation pathway options established in this section.

PART III

ESTABLISHING A MASTERY-BASED LEARNING WORK GROUP

NEW SECTION. **Sec. 301.** (1) By June 1, 2019, the state board of education shall convene a work group to inform the governor, the legislature, and the public about barriers to mastery-based learning in Washington state whereby:

(a) Students advance upon demonstrated mastery of content;

(b) Competencies include explicit, measurable, transferable learning objectives that empower students;

(c) Assessments are meaningful and a positive learning experience for students;

(d) Students receive rapid, differentiated support based on their individual learning needs; and

(e) Learning outcomes emphasize competencies that include application and creation of knowledge along with the development of important skills and dispositions.

(2) The work group shall examine opportunities to increase student access to relevant and robust mastery-based academic pathways aligned to personal career goals and postsecondary education. The work group shall also review

the role of the high school and beyond plan in supporting mastery-based learning. The work group shall consider:

(a) Improvements in the high school and beyond plan as an essential tool for mastery-based learning;

(b) Development of mastery-based pathways to the earning of a high school diploma; and

(c) Expansion of mastery-based credits to meet graduation requirements.

(3) The work group must include the following members:

(a) Four legislators: One from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house; and one from each of the two largest caucuses in the senate, appointed by the president of the senate;

(b) Two students as selected by the association of Washington student leaders;

(c) One representative from the educational opportunity gap oversight and accountability committee as selected by the educational opportunity gap oversight and accountability committee;

(d) One high school principal as selected by the association of Washington school principals;

(e) One high school certificated teacher as selected by the Washington education association;

(f) One high school counselor as selected by the Washington education association;

(g) One school district board member or superintendent as selected jointly by the Washington state school directors' association and the Washington association of school administrators;

(h) One representative from the office of the superintendent of public instruction as selected by the superintendent of public instruction; and

(i) One representative from the state board of education as selected by the chair of the state board of education.

(4) The state board of education shall:

(a) Provide staff support to the work group;

(b) Coordinate work group membership to ensure member diversity, including racial, ethnic, gender, geographic, community size, and expertise diversity; and

(c) Submit an interim report outlining preliminary findings and potential recommendations to the governor and the education committees of the house of representatives and the senate by December 1, 2019, and a final report, provided to the same recipients, detailing all findings and recommendations related to the work group's purpose and tasks by December 1, 2020.

(5) This section expires March 1, 2021.

PART IV

CONTINUED APPLICABILITY OF GRADUATION REQUIREMENTS FOR STUDENTS IN THE GRADUATING CLASS OF 2018 AND PRIOR GRADUATING CLASSES

NEW SECTION. Sec. 401. A new section is added to chapter 28A.655 RCW to read as follows:

RCW 28A.155.045, 28A.655.061, and 28A.655.065, as they existed on January 1, 2019, apply to students in the graduating class of 2018 and prior graduating classes.

PART V

ADDITIONAL AND REPEALED PROVISIONS

Sec. 501. RCW 28A.655.063 and 2007 c 354 s 7 are each amended to read as follows:

(1) Subject to the availability of funds appropriated for this purpose, the office of the superintendent of public instruction shall provide funds to school districts to reimburse students for the cost of taking the tests in RCW 28A.655.061(~~((10))~~) (9)(b) when the students take the tests for the purpose of using the results as an objective alternative assessment. The office of the superintendent of public instruction may, as an alternative to providing funds to school districts, arrange for students to receive a testing fee waiver or make other arrangements to compensate the students.

(2) This section expires August 31, 2021.

NEW SECTION. Sec. 502. 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 are each repealed.

NEW SECTION. Sec. 503. A new section is added to chapter 28A.230 RCW to read as follows:

(1) The legislature finds that fully realizing the potential of high school and beyond plans as meaningful tools for articulating and revising pathways for graduation will require additional school counselors and family coordinators. The legislature further finds that the development and implementation of an online electronic platform for high school and beyond plans will be an appropriate and supportive action that will assist students, parents and guardians, educators, and counselors as the legislature explores options for funding additional school counselors.

(2) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall select and contract with a vendor to develop and implement a statewide online electronic platform for high school and beyond plans required by RCW 28A.230.090. Beginning in the 2020-21

school year, the platform must be available to all students who are required to have a high school and beyond plan.

(3) At a minimum, the platform must:

(a) Enable students to create, personalize, review, and revise their high school and beyond plans;

(b) Grant parents or guardians, educators, and counselors appropriate access to students' high school and beyond plans;

(c) Employ a sufficiently flexible technology that allows for subsequent modifications necessitated by statutory changes, administrative changes, or both, as well as enhancements to improve the features and functionality of the platform;

(d) Be capable of being maintained by the office of the superintendent of public instruction within two years after its initial implementation; and

(e) Comply with state and federal requirements for student privacy.

(4) The office of the superintendent of public instruction may adopt and revise rules as necessary to implement this section.

NEW SECTION. Sec. 504. Sections 102 and 301 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. Sec. 505. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Volz moved the adoption of amendment (279) to the striking amendment (304):

On page 46, after line 37, insert the following:

"NEW SECTION. Sec. 504. A new section is added to chapter 42.04 RCW to read as follows:

(1)(a) Each person holding state elective office in the legislative, executive, and judicial branches of the state government, and each member of the state board of education, must complete one or more of the assessments that may be used to demonstrate career and college readiness under section 201 of this act.

(b) Persons completing assessments under this section must:

(i) Comply with the assessment requirements in effect at the time the assessments are completed; and

(ii) Complete the assessments at least once while serving in office or on the state board of education, but may retake an assessment in one or more content areas.

(2)(a) Except as provided otherwise by this subsection (2), assessments completed under this section must be provided to the office of the superintendent of public instruction, and the office of the superintendent of public instruction is responsible for ensuring that the assessment results are promptly determined.

(b) Assessments completed under this section by the superintendent of public instruction must be provided to the state board of education, and the state board of education is responsible for ensuring that the results are promptly determined.

(3) Individual results from assessments completed under this section must be published on the web site of the employing state agency or, for members of the state board of education, the web site of the state board of education, within ninety days of the completion of the assessments."

Renumber the remaining sections consecutively and correct the title.

With the consent of the House, amendment (279) to the striking amendment was withdrawn.

Representatives Stonier, Steele and Volz spoke in favor of the adoption of the striking amendment.

The striking amendment (304) was adopted.

The bill was ordered engrossed.

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

Representatives Orcutt, Ortiz-Self, Harris, Jenkin, Kraft and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1599.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1599, and the bill passed the House by the following vote: Yeas, 91; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos,

Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stanford, Steele, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wylie, Ybarra and Young.

Voting nay: Representatives Chandler, Irwin, Stokesbary and Wilcox.

Excused: Representatives Morris, Orwall and Smith.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1599, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1139, by Representatives Santos, Dolan, Callan, Pollet, Reeves and Bergquist

Expanding the current and future educator workforce supply.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1139 was substituted for House Bill No. 1139 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1139 was read the second time.

Representative Santos moved the adoption of amendment (240):

On page 4, at the beginning of line 23, strike "(4)(a) The" and insert the following:

"NEW SECTION. Sec. 103. A new section is added to chapter 28A.630 RCW to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the"

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

On page 4, beginning on line 24, after "program." strike all material through "to" on line 27 and insert "Grant awards of up to one hundred thousand dollars each must be awarded to the two"

On page 4, line 32, after "in" strike all material through "section" and insert "section 102 of this act"

On page 5, line 4, after "described in" strike all material through "section" and insert "section 102 of this act"

On page 5, after line 9, insert the following:

"(2) This section expires July 1, 2022."

On page 6, line 21, after "(b)" strike all material through "Allocate" and insert "Subject to ~~((funds))~~ the availability of amounts appropriated for this specific purpose, allocate"

On page 10, beginning on line 10, after "~~fun~~" strike all material through "Alternative" on line 11 and insert "~~are~~) Subject to the availability of amounts appropriated for this specific purpose, alternative"

On page 11, line 25, after "(1)(a)" strike "The" and insert "Subject to the availability of amounts appropriated for this specific purpose, the"

On page 11, beginning on line 33, after "provide" strike all material through "forty" on line 34 and insert "up to five thousand dollars of financial assistance for up to twenty teacher candidates in the 2019-20 school year and for up to thirty"

On page 15, beginning on line 31, after "(1)" strike all material through "The" on line 33 and insert "Subject to the availability of amounts appropriated for this specific purpose, the"

On page 38, beginning on line 19, after "(3)" strike all material through "The" on line 20 and insert "Subject to the availability of amounts appropriated for this specific purpose, the"

On page 55, after line 15, insert the following:

"MICROCREDENTIALS

NEW SECTION. Sec. 305. A new section is added to chapter 28A.630 RCW to read as follows:

(1) By October 31, 2019, and in compliance with RCW 43.01.036, the Washington professional educator standards board must report to the appropriate committees of the legislature on the results of the three microcredential pilot grant programs the board conducted during the 2018-19 academic year. The report must include: (a) A description of microcredentials and how microcredentials are used; (b) a description of and rationale for each microcredential pilot grant program; (c) information on the participants in each program, such as demographics and geographic distribution; and (d) the results of each program, including the number of participants who completed the program and earned a microcredential. The report must also include recommendations for continuing, modifying, or expanding the use of microcredentials.

(2) This section expires July 1, 2020.

NEW SECTION. Sec. 306. A new section is added to chapter 28A.410 RCW to read as follows:

The Washington professional educator standards board is prohibited from expanding the use of microcredentials beyond the microcredential pilot grant programs in existence on the effective date of this section unless and until the legislature directs the board to do so."

Re-number the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Santos and Steele spoke in favor of the adoption of the amendment.

Amendment (240) was adopted.

Representative Stokesbary moved the adoption of amendment (224):

On page 5, after line 9, insert the following:

"(5) This section expires July 1, 2032."

On page 6, after line 34, insert the following:

"(4) This section expires July 1, 2032."

On page 8, after line 17, insert the following:

"(11) This section expires July 1, 2032."

On page 16, after line 24, insert the following:

"(5) This section expires July 1, 2032."

On page 25, after line 7, insert the following:

"(4) This section expires July 1, 2032."

On page 25, after line 22, insert the following:

"(4) This section expires July 1, 2032."

On page 26, after line 25, insert the following:

"(5) This section expires July 1, 2032."

On page 27, after line 20, insert the following:

"(4) This section expires July 1, 2032."

On page 28, after line 4, insert the following:

"(5) This section expires July 1, 2032."

On page 30, after line 15, insert the following:

"(7) This section expires July 1, 2032."

On page 40, after line 5, insert the following:

"(7) This section expires July 1, 2032."

On page 60, after line 36, insert the following:

"PART V

PERFORMANCE REVIEWS

NEW SECTION. Sec. 501. A new section is added to chapter 28A.630 RCW to read as follows:

(1)(a) The student achievement council must develop performance measures for the joint legislative audit and review committee to use to evaluate the success of the programs listed in subsection (2) of this section in recruiting and retaining highly effective teachers, especially in high-need subjects and geographic areas.

(b) In developing the performance measures and a data collection plan, the student achievement council must consult with the joint legislative audit and review committee,

the education data center established in RCW 43.41.400, the office of the superintendent of public instruction, and the Washington professional educator standards board. To the maximum extent possible, the performance measures must use existing data and be disaggregated by subject and geographic area.

(c) The student achievement council must submit the performance measures and a data collection plan to the joint legislative audit and review committee and the appropriate committees of the legislature by January 10, 2020.

(2) The student achievement council must develop performance measures and a data collection plan for the review of the following programs:

(a) The regional educator recruitment program under section 102 of this act;

(b) The recruiting Washington teachers program under RCW 28A.415.370;

(c) The bilingual educator initiative under RCW 28A.180.120;

(d) The educational service district alternative route pilot program under section 108 of this act;

(e) Grants for student teachers at Title I schools under RCW 28B.76.699;

(f) The teacher shortage conditional scholarship program under RCW 28B.102.090;

(g) The alternative route conditional scholarship program under section 216 of this act;

(h) The pipeline for paraeducators conditional scholarship program under section 217 of this act;

(i) The educator retooling conditional scholarship program under section 218 of this act;

(j) The career and technical education conditional scholarship program under section 219 of this act;

(k) The federal student loan repayment in exchange for teaching service program under RCW 28B.102.055;

(l) Expanded enrollments in high-need subjects and locations under section 230 of this act; and

(m) The beginning educator support team program under RCW 28A.415.265.

(3) In developing performance measures, the student achievement council must consider the following measures:

(a) Number of teaching vacancies and length of time each position remains open;

(b) Number and percentage of teachers on limited certificates assigned to teach;

(c) Number and percentage of teachers assigned to teach out of field;

(d) Number and percentage of fully certificated teachers with fewer than five years' experience;

(e) Demographics of teachers, such as race, ethnicity, and gender, compared to demographics of students;

(f) Number and percentage of teachers who are fluent in a language other than English;

(g) Resources spent by principals and human resource personnel on recruitment efforts;

(h) Effect of educators on student growth, graduation rates, and other student outcomes;

(i) Teacher program completion rates; and

(j) Teacher mobility trends, including how long teachers teach in Washington.

(4) In fiscal year 2029, the student achievement council must review state funding provided to the programs listed in subsection (2) of this section and submit to the joint legislative audit and review committee a report of the five programs provided with the most funding over the prior nine fiscal years.

(5) This section expires July 1, 2032.

NEW SECTION. Sec. 502. A new section is added to chapter 44.28 RCW to read as follows:

(1) The joint committee must assist the student achievement council with its development of performance measures and a data collection plan as required under section 501 of this act.

(2)(a) Beginning in fiscal year 2030, the joint committee must perform a review of the five programs provided with the most state funding over the prior nine fiscal years, as identified by the student achievement council. The joint committee must prioritize these reviews in order of the programs that received the most state funding. Each review must evaluate the success of the program in recruiting and retaining highly effective teachers, especially in high-need subjects and geographic areas.

(b) The joint committee must perform the reviews required under this subsection (2) and submit the results of each review to the appropriate committees of the legislature as the reviews are completed, but no later than December 31, 2031, and in compliance with RCW 43.01.036.

(3) This section expires July 1, 2032.

PART VI

OTHER PROVISIONS"

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

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

Representative Santos spoke against the adoption of the amendment.

Amendment (224) was not adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1139.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1139, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jenkins, Kilduff, Kirby, Klippert, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Young.

Voting nay: Representatives Chandler and Kraft.

Excused: Representatives Morris, Orwall and Smith.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1139, having received the necessary constitutional majority, was declared passed.

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

MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

- HOUSE BILL NO. 1114
- HOUSE BILL NO. 1241
- HOUSE BILL NO. 1242
- HOUSE BILL NO. 1308
- HOUSE BILL NO. 1334
- HOUSE BILL NO. 1465
- HOUSE BILL NO. 1476
- HOUSE BILL NO. 1504
- HOUSE BILL NO. 1537
- HOUSE BILL NO. 1727
- HOUSE BILL NO. 1747
- HOUSE BILL NO. 1797
- HOUSE BILL NO. 1843
- HOUSE BILL NO. 1917
- HOUSE BILL NO. 1966
- HOUSE BILL NO. 1996
- HOUSE BILL NO. 1923
- HOUSE BILL NO. 2051
- HOUSE BILL NO. 2097
- HOUSE JOINT MEMORIAL NO. 4009

There being no objection, the House adjourned until 9:00 a.m., March 9, 2019, the 55th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk